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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**LEBANON**

**DRAFT LAW AMENDING LEGISLATIVE DECREE N° 150/1983  
ON THE ORGANISATION OF THE JUDICIARY**

Funded  
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by the Council of Europe

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House of Representatives

### **Proposing a Law on Judicial Courts Independence**

This Judicial Courts Law is stipulated in seven parts, including the judgments concerning the Supreme Judicial Council, the Judicial Organization, the Judges System, Organization of the Institute of Judicial Courses, both Receivership Authority and Judicial Assessment Authority and the Judicial Assistants System.

#### **First Part: Supreme Judicial Council** **First Section: Supreme Judicial Council Duties**

##### **Article (1):**

The Supreme Judicial Council shall ensure the good conduct and independence of the judicial process and the proper functioning in courts and shall take the necessary decisions in this regard.

#### **Second Section: Members of Supreme Judicial Council**

##### **Article (2): Council Composition**

The Supreme Judicial Council shall be composed of ten members as follows:

###### **A- Statutory Members:**

- **First President of Court of Cassation; "President"**
- **Attorney-General before Court of Cassation; "Vice-President"**
- **President of Judicial Inspection Authority, "Member"**

Such Statutory Members shall be appointed for four renewable years as of their employment date.

The Supreme Judicial Council shall, at least two months before the expiry of the term of any statutory member hereof, propose another alternate one among three candidates to be submitted to the Council of Ministers, by the Minister of Justice, attaching their curriculum vitae; provided that the Council of Ministers shall choose one of such candidates to be appointed in lieu of the member whose employment has expired, in accordance with a decree to be taken by the Council of Ministers upon a proposal of the Minister of Justice, and that such proposed names shall be of degree (16) and above.

The Minister of Justice shall propose other names to be submitted to the Council of Ministers, in addition to such ones proposed by the Supreme Judicial Council; conditioned having consent from the later and that they shall fulfil the conditions and terms of their degree.

###### **B- Elected Members, who are:**

- Accredited Judge as one of the Chamber Presidents in Court of Cassation.
- Accredited Judge as one of the Counsellors in Court of Cassation.
- Accredited Judge as one of the Chamber Presidents in Courts of Appeal.
- Accredited Judge as one of the Counsellors in Courts of Appeal.
- Accredited Judge as one of the Investigation Judges.
- Accredited Judge as one of the Chambers Presidents in Courts of First Instance.
- Accredited Judge as one of the Duty Judges and Sole Judges.

##### **Article (3): Calling for Election and Nomination**

**A-** Four months before its office term expiry date, the Supreme Judicial Council shall call upon the electing authority to be convened on a date to be specified by the Council; provided that the election date shall not exceed one month as of the office term expiry

date. Such call shall be made via the website of the Council and the official gazette and be placed on the signboard of the Courts of Appeal in the governorates. In addition, the Supreme Judicial Council shall, on the same date, call the judges desirous to be nominated for the membership to submit their demands to the Council's Secretary not later than thirty days as of the call date.

- B-** The candidate shall have the degree required by the office necessary to be represented by an accredited judge to be in charge of, and the candidate shall not be sentenced to a disciplinary penalty, except for the penalty of warning and censure. In the event that the candidate occupies an accredited office, and is delegated to another one, the office the candidate occupies as an accredited judge shall be considered in nomination.

The Supreme Judicial Council shall, on the Council's website, declare the approved candidates (45) days before elections. A candidate may challenge the dismissal of his nomination before the General Authority of Court of Cassation within five days of the declaration date. Such nomination demand shall deem to be acceptable in the event that no decision would be issued against the challenge within seven days of submission date.

- C-** In case of failure by the Supreme Judicial Council for dispatching either call, at least third of its members or the First President of Court of Cassation may call for candidacy or election, otherwise five percent of the stipendiary magistrates shall re-dispatch the call through the official gazette, and through, any of the mass media.

In such a case, the candidacies shall be submitted before the first chamber of the Court of Cassation in Beirut, which shall declare the approved candidates list within the period specified by the Supreme Judicial Council, and which shall be in lieu of the Council in organization of elections and saying the results.

The challenge procedures stipulated herein shall be applied to the candidacies demands dismissed by the concerned Court of Appeal.

#### **Article (4): On Elections and Declaration of Results**

The electing authority composed of all judges shall meet in the Palace of Justice in Beirut on the calling date. The election shall be made by the secret ballot, and every judge shall elect two candidates from the declared candidates list; conditioned that a judge shall choose at least one candidate from his original category.

The Public Prosecution Office Judges belong to the category of Court of Cassation judges. The Judges of the Appeal and Military Public Prosecution and Judicial and Military Investigation Judges belong to the Appeal Courts Judges' category.

The Judge who obtains the higher number of votes shall win within the category he was candidate for. If votes are equal, the person who gets the higher degree, otherwise the elder, shall be deemed the winner.

Article (82) of this Law stipulates the specification of the offices and degrees required to be occupied as a basis of the candidacy right.

The first loser of each category shall be deemed to be an alternate member in lieu of the winner who occupies his office for whatever reason, and to continue his appointment on behalf of such winner. The alternate member, whose office term does not exceed one year and a half as alternate, may re-candidate the person for another complete candidacy term in the next elections.

Secretary of the Supreme Judicial Council shall declare the result, with serving a minute in this regard, which minutes shall be signed by the President of the Supreme Judicial Council and be notified to the Minister of Justice.

The minutes of this Article shall be regulated by a resolution of the Supreme Judicial Council within one month as of publication of this law.

The Supreme Judicial Council may not amend the resolution organizing this election process after call of candidacy and fixing the election appointment.

**Article (5): On Office and Occupation**

The nomination period of the elected members shall be three non-renewable years, except after passing a full period of their leaving the membership of the Supreme Judicial Council.

The employment period of the Supreme Judicial Council members shall expire in case of death, resignation, and retirement or of issuance of a resolution related to applying a conduct penalty, except for warning and censure.

In case of occupancy of an office of any of the statutory members, and non-issuance of a decree of appointment of a new member within two months, the higher-graded Judge shall be resolved, temporarily and till appointment of an alternate, among the Presidents of the Cassation chambers in lieu of the President of the Supreme Judicial Council, and the higher-graded Attorney-General shall be resolved, temporarily and till appointment of an alternate, in lieu of the Vice-President of the Council, and the higher-graded Judge shall be resolved, temporarily and till appointment of an alternate, among the Receivership Judges in lieu of the President of the Judicial Receivership Authority in the Council.

**Article (6): On Full-Time Employment**

The Secrecy works shall be overtaken by the youngest member, and the Secretary shall undertake his duties, and be deemed to be resigned from any committees or tasks that had been assigned to him before his office, and he shall have an allowance, besides salary, which equals to twenty percent of his main salary.

At the first session to be convened by the Supreme Judicial Council, the Judge, who is in lieu of the Secretary, shall be negotiated in his ex-tasks according to Law.

**Article (7): Obligations of Members of Supreme Judicial Council**

Neither member of the Supreme Judicial Council nor any of his relatives of Judges shall be transferred from one office to another till the second degree throughout his office period.

A member neither may, even after expiration of his office period, be candidate for the presidential, prosecution or municipal elections, nor be appointed as a minister or member in the constitutional council or any office in the first degree or similar, except for completion of a similar office period in the council after the period he had resigned from the judiciary or retirement.

Legally, the Bank Confidentiality of the Supreme Judicial Council members, their wives and minors shall be disclosed for the benefit of the National Authority for Combating Corruption and the Judicial Inspection Authority, immediately after the beginning of the Council' works.

The Council President and its members neither may attend the council's sessions nor participate in making decisions, directly or indirectly, related to them or to one of the spouses, in-laws or relatives up to the second degree. They shall also disclose everything that might affect their neutrality.

**Third Chapter: Powers of Supreme Judicial Council****Article (8): General Power of the Council**

The Council shall ensure the moral and material rights of judges, their fairness, and everything related to their independence, appointment, formation, transfer and discipline. He exercises this authority in accordance with the provisions of this law and other laws in force.

**Article (9): Consideration of the Collective Demands of the Judges**

The Council shall receive the collective demands of the judges and consider them expeditiously. It shall make a reasoned decision in this respect and inform it to the party that provided it. "**Collective demands**" mean the requests of at least ten percent of the number of court judges.

**Article (10): Consideration of Complaints**

Any person may file a complaint with the Supreme Judicial Council; provided that it is related to the functioning of the public service of justice, the conduct of the judge, or the independence

of the judiciary. The complaint shall be in writing, signed, and shall contain the full name of the complainant, the date and a brief description of the facts.

Complaints that fall within the jurisdiction of other judicial or disciplinary authorities, or that relate to a file pending before the courts or the content of a court ruling, or whose objectives can be achieved by resorting to ordinary or extraordinary methods of appeal stipulated in the law, or previously considered by the Supreme Judicial Council shall not be accepted.

With respect to the complaint attributable to the jurisdiction of the judicial receivership, the council shall refer it to this authority. The decisions or recommendations issued by the Supreme Judicial Council in this regard shall be communicated to the complainant, and shall also be published on the Council's website, except for personal data contained in the complaint, decision or recommendation.

#### **Article (11): Judges' Code of Ethics**

Each of the Judicial Receivership and Assessment Authorities and the Board of Directors of the Institute of Judicial Studies shall participate along with the Supreme Judicial Council in drafting the code of ethics for judges, which also includes a document of general principles regulating the communication of judicial authorities with the mass media, with a two-thirds majority of all members. The Supreme Judicial Council shall forward such document to the Minister of Justice, who proposes it to the Council of Ministers to prepare a draft law in this regard, and such law is then being referred to the House of Representatives, within a period of six months from the date of its referral to the Minister of Justice.

#### **Article (12): Proposal Authority and Giving Opinions on Proposals**

The Council shall:

- 1- Submit a recommendation to the Minister of Justice for any legislative or organizational reform it deems necessary to ensure the proper conduct of the judiciary and respect for its independence.
- 2- Expressing opinion on draft and proposals of laws and regulations related to the organization and management of the courts, the jurisdictions of the courts, the procedures followed by them, the regulations for judges and judicial assistants, the laws regulating forensic doctors, notaries, bankruptcy agents and sworn experts.
- 3- Expressing an opinion on supervision of the training programs for apprentice judges at the Institute of Judicial Courses, and on programs to develop the continuing knowledge of the original judges.
- 4- Expressing an opinion on the draft budget of the judicial courts referred to it by the Ministry of Justice.
- 5- Attending the sessions of the parliamentary committees on call, and giving opinion on the proposed projects and suggestions related to the organization of the judiciary.
- 6- Contracting with counsellors and experts to execute specific duties, if required.

#### **Article (13): Annual Report on the Judiciary**

The Council shall draft an annual report on its work and the work of the judiciary. Such report shall include a description of the status of the judiciary and the justice system and information about the work mechanism that includes costs, objectives, regulations, achievements and difficulties that affected the progress of work and audited accounts, the approved general policy, the projects executed and not executed and the reasons in that regard, and any suggestions that contribute to the development of the judiciary work. The report shall be referred, not later than the end of September of each year, to the Minister of Justice, who

submits a copy of the same to the President of the Republic, the President of Parliament and the Prime Minister.

In the scope of preparation of the report, the Council calls the Presidents of the Courts, the Public Prosecution Office, the two Bar Associations; non-governmental associations specialized in the legal and judicial fields, the law faculties of the Lebanese University and private universities, to submit to the Council what they deem appropriate of remarks, proposals or reports. The annual report shall be published on the council's website and by any other means.

**Article (14): Involvement of Judges in the Decisions of the Council**

At the beginning of the judicial year, the general assembly of judges is held once a year. The Council determines its agenda and publishes it on the Council's website at least two weeks before its meeting.

It is up to the President of the Council or six of its members to request the convening of an emergency general assembly of judges when necessary or based on a demand submitted by ten percent (10%) of the number of judges; conditioned that its agenda is set and published on the Council's website at least three days in advance from the date of its convening.

**Article (15): Powers of the Chairman**

The President of the Supreme Judicial Council shall represent the Council and chair its meetings, as well as the General Assembly of Judges, and shall exercise the administrative and financial powers assigned to the Minister by laws and regulations, except for constitutional powers.

**Fourth Chapter: Organizing the Duties of the Supreme Judicial Council**

**Article (16): Rules of Procedure**

After discussing the opinion of the State Consultative Council, the first Supreme Judicial Council formed in accordance with the provisions of this law shall, within six months from the beginning of its appointment, prepare its rule of procedure, with a two-thirds majority of its members, and publishes it in the Official Gazette and on its website.

Each amendment to the bylaws shall be subject to the same rules of procedure.

The rules of procedure of the Council determine the administrative and financial authorities and committees, their number, jurisdictions, organization and functionality method.

The rules of procedure may not conflict with the guarantee of the independence of judges in their judgments and abilities, and the guarantee of neutrality and impartiality.

**Article (17): Council Meetings and Decisions**

- A-** The Council meets at the call of its president, and in case of failure to implement its duties on the basis of a call from the vice-president, or at the request of at least one-third of its members, and the Minister of Justice may call the Council to convene; provided that he shall define the subject of the call.
- B-** If the President and the Vice-President are absent, the highest-ranking judge shall preside over the session, and in case of equal ranks, the most senior judge in the judiciary shall preside it. The call requires convening the Council at least once a week, and the call shall include the meeting date and agenda. The agenda, except for personal data, shall be published on the Council's website at least three days before the date of the session.
- C-** The sessions of the Council shall not deem to be legal unless two thirds of its members are present. In the absence of a quorum, the call to hold another session shall be repeated within three days from the date of the first session. In such a case, the quorum is available if at least half of the members are present.

- D-** Except for cases in which the law provides for a special majority, the decisions of the Council shall be taken by a majority vote of those present. In the event of equality, the vote of the chairman shall be deemed the casting vote. Each member may request that his different opinion be noted regarding the decisions taken by the Board.

In all cases and regardless of the number of attending members, no decision is taken for the Supreme Council with less than five votes.

- E-** In emergency cases, the Council can be called to convene without taking into account the deadlines referred to above, which shall not exempt the calling party from announcing the session's date and agenda on the Council's website.

**Article (18): Confidentiality of Deliberations**

Council members are obligated to maintain the confidentiality of deliberations before the Council, and disclosing this secret is deemed to be as if disclosing the secret of deliberation before the courts. However, the decisions of the Council, including the contrary opinions it may contain, and taking into account Articles Nos. 98, 104, 116 and 141 of this law, shall be open and published on the Council's website and notified to the stakeholders.

**Article (19): Secretariat**

A Secretariat shall be established at the Supreme Judicial Council, which is supervised by the full-time judge.

The judge supervising the Secretariat shall control the deliberations of the council's sessions and shall be responsible for keeping the council's data, reports, files, archives and preservation.

The Secretariat' staff of the Supreme Judicial Council shall be determined by a decree issued by the Council of Ministers on the basis of the proposal of the Minister of Justice and with the approval of the Supreme Judicial Council, within a period of three months from the date of publication of this law.

The budget of the Secretariat and its staff shall fall within the budget allocated to the Supreme Judicial Council.

**Article (20): Council's Budget**

A budget is allocated to the Supreme Judicial Council within the budget of the Ministry of Justice. The Council shall prepare its stipulations within the budget proposal of the Ministry of Justice and shall submit it to the minister after discussing such proposal with the Minister.

**Fifth Chapter: The Right to Appeal against the Decisions of the Council**

**Article (21): Right of Appeal**

Individual and non-organizational decisions issued by the Council are subject to appeal before the General Assembly of the Court of Cassation; provided that the Chairman of the Council and a member of the Council from among the presidents of the Cassation Chambers who participated in making the challenged decision shall not participate in issuing the same.

The review of the challenge shall be submitted according to the emergency procedures, within two weeks from the date of its notification to the person concerned. The review shall not suspend the implementation of the challenged decisions. However, the General Authority of the Court of Cassation may decide to suspend the execution based on an explicit request from the plaintiff if it finds from the appeal file that the execution may seriously harm the plaintiff and that the review is based on serious and important reasons.

The General Assembly of the Court of Cassation shall decide on the review within a maximum period of two months from the date of filing the challenge.

## **Second Part: Judicial Organization**

### **First Section: Judicial Organization Principles**

#### **Article (22): The Courts of Justice include:**

- A-** Courts of First Instance.
- B-** Courts of Appeal.
- C-** Court of Cassation.

In addition to the specialized courts established by law, which consist of court judges or in which a court judge participates.

### **Second Chapter: Courts, their Kinds, Numbers and Distributions**

#### **Article (23): Courts of First Instance**

Courts of the First Instance are composed of chambers that pass judgments on a president and two members. The number of courts of First Instance, their chambers and sections, the centres of these chambers and sections, and the scope of their spatial jurisdiction shall be specified in Table No. (1).

#### **Article (24): Courts of Appeal**

Courts of Appeal are composed of chambers whose judgments are ruled by a president and two counsellors. Each Court of Appeal shall have a Public Prosecution presided by an Appellate Attorney- General assisted by one or more public attorneys, and an investigation department composed of a first investigative judge assisted by one or more investigative judges.

Table No. (2) specifies the number of Appeal Courts, their office, their territorial jurisdiction, the number of their chambers, judges, Public Prosecution judges and investigative judges.

#### **Article (25): Court of Cassation**

The Court of Cassation has a General authority composed of the presidents of Court Chambers.

The Court of Cassation shall have a Public Prosecution presided by the Public Prosecutor at the Court of Cassation, assisted by Public Attorneys.

Table No. (3) specifies the number of chambers of the Court of Cassation, its judges and the Public Prosecution judges therein.

Each chamber consists of a chairman and two counsellors exclusively.

#### **Article (26): Permitting the Courts to convene their Sessions outside their Headquarters**

The chambers and departments of the Courts of First Instance, or any of the authorities of the Courts of Appeal, or any of the chambers of the Court of Cassation are authorized to hold their sessions outside their headquarters by a resolution taken by the Minister of Justice based on a proposal by the Supreme Judicial Council.

### **Third Part: Organization of the Court of Appeal and its Circuits**

#### **Article (27): Organs of the Court of Appeal and its circuits**

The following administrative authorities shall be established in each court of appeal:

- A-** The First Presidency.
- B-** The Presidents of Judicial Departments.



**Article (28): Management of the Court of Appeal**

The Court of Appeal and its Courts of First Instance shall be administered by the First President of the Court of Appeal.

**Article (29): General Powers of the First President of the Court of Appeal**

The First President of the Court of Appeal shall ensure the good conduct of the departments pertaining to him and their work independence.

The President may delegate all or part of his duties to one of the presidents of the chambers of the Court of Appeal; conditioned that the delegation period shall not exceed one month.

**Article (30): Appeal Public Prosecutor and First Investigating Judge**

The Appeals Public Prosecutor shall manage the affairs of the Public Prosecution and supervises its employees and the good conduct of the Public Prosecution Office.

The First Investigation Judge shall supervise the good conduct of work in his department, subject to the provisions contained in the Code of Criminal Procedure.

**Article (31): Distribution of Duties**

Duties are distributed directly when judicial formations are concluded by the Supreme Council of the Judiciary.

**Article (32): Files Distribution**

The President of the circuit shall distribute the files among the judges of his circuit; provided that this distribution takes into consideration the regulation for distribution of judicial files stipulated in Article (144) of this law.

**Article (33): Assignments**

If a judge of one of the Courts of Appeal, whether he is a judge of the Courts of First Instance or Chambers of the Court of Appeal, or a judge delegated to the Court of Cassation, or a judge of the Public Prosecution or an Investigative Judge, fails to execute his work for whatever reason, the First President of the Court of Appeal or of the Court of Cassation shall request from the Supreme Judicial Council to assign one of the judges the task to secure the work of the said judge.

If there is no way to assign a judge to the task for any reason, then the First President of the Court of Appeal or the Court of Cassation may assign one of the judges within his circuit to secure the works.

In all cases, it may not delegate a judge, who is not one of the judges of the task, to be assigned to more than one judicial office other than his original office. In addition, the total assignments for any judicial office other than his primary office may not continue for more than a continuous week or thirty days in one judicial year except with his consent and the consent of the Supreme Judicial Council.

**Article (34): Organizing the Shift during the Judicial Vacancy**

The judicial shift during the judicial vacation shall be organized by a decision taken by the First President of the Court of Appeal, after consulting the Public Prosecutor of this court with respect to the judges of the Public Prosecution and the opinion of the First Investigative Judge of this Court regarding the investigative judges.

Priority in the judicial shift is given to judges who assume a similar judicial task according to the decision on the distribution of work.

**Article (35): Annual report of the Court of Appeal**

The First President of the Court of Appeal shall, at the beginning of each judicial year, prepare an annual report for the Court of Appeal, including the reports submitted to it by the Presidents of its circuits.

This report includes a clarification about the conditions of the Court of Appeal and its work in the past year and a reference to the important decisions issued by it, the suggestions and difficulties, the number of judgments issued by it and its circuits and the types that it deems appropriate in the interest of the judiciary.

The First President shall dispatch a copy of the same to the Supreme Judicial Council, the Judicial Inspection and Assessment Authorities and the Ministry of Justice.

#### **Fourth Chapter: Organization of the Court of Cassation**

##### **Article (36): Headquarters of the Court of Cassation**

The headquarters of the Court of Cassation shall be in Beirut.

##### **Article (37): Administrative Organs of the Court of Cassation**

The following administrative organs shall be established in the Court of Cassation:

**A-** The First Presidency.

**B-** Secretariat.

##### **Article (38): Court Management**

The Court of Cassation is administered by the First President.

The First President of the Court of Cassation is assisted by a secretary who is appointed by the Minister of Justice after consulting the opinion of the Supreme Judicial Council.

##### **Article (39): First President of Court of Cassation**

First President, President of the Supreme Judicial Council, shall preside over the Court of Cassation and its general authority, and the Judicial Council in accordance with the provisions of Article (2) of this law, and he shall also preside over the Judicial Council.

##### **Article (40): Powers of the First President of the Court of Cassation**

The First President of the Court of Cassation shall ensure the good conduct of the circuits affiliating to him and their duties independence and shall distribute the works among the chambers of the Court of Cassation and may preside over any of the civil or criminal chambers regarding the Court of Cassation. The First President of the Court of Cassation shall exercise the financial and administrative powers assigned to the Minister according to Laws and regulations, with the exception of constitutional powers.

##### **Article (41): The General Authority of the Court of Cassation**

**A-** The Court of Cassation shall convene in its general assembly in the cases stipulated in the Civil Procedure Code.

**B-** The General Assembly of the Court of Cassation is composed of:

- The First President, and in case of impossibility, the President of the Chamber of the highest rank, and in the case of the same seniority in the judiciary, and in the case of equal seniority, the oldest, as president.
- The Presidents of the Chambers, whether original or delegated by a decision of the Supreme Judicial Council, are members, and they shall participate in the work of the general authority.

**C-** The General Authority of the Court of Cassation shall assume the powers stipulated in Article (95) of the Civil Procedure Code.

**D-** Decisions of the General Assembly may only be issued by an absolute majority.

**Article (42): Public Prosecution Office**

A- The Public Prosecutor Office shall manage the affairs of the Public Prosecution according to the powers assigned to the Appeal Public Prosecutors according to the provisions of Article (30) of this law. The Public Prosecutor at the Court of Cassation is the president of all Public Prosecutions.

The organization of the Public Prosecution Office shall subject to hierarchy and sequence. Each Public Prosecution Office shall be deemed an indivisible unit, with each member representing the Public Prosecution as a whole.

- C- In addition to general circulars and instructions, the Public Prosecutor at the Cassation Public Prosecution Office may issue individual instructions related to the initiation and conduct of a public case, through the serial president of any member of the Public Prosecution. Such instructions are binding on all Public Prosecution judges; conditioned that they are written, legal and reasoned. The member to whom these instructions are directed may conclude written comments about the same.
- D- The Public Prosecutor at the Court of Cassation may not give instructions to stop comments in a file under review.
- E- A copy of the instructions is deposited in the file of the case in question. Any of the interested parties may view it.
- F- Members of the Public Prosecution Office shall enjoy freedom of speech in court sessions.

**Fifth Chapter: Special Provisions for Public Prosecutors**

**Article (43): Annual Report**

The Cassation Public Prosecution shall prepare an annual report on the work of the Public Prosecution Office; conditioned that it includes the reports submitted by the Appellate Public Prosecutors and the Financial Prosecutor.

The report shall include a comprehensive clarification of the situation and work of the Public Prosecutions in the past year, both quantitatively and qualitatively, as well as a reference to the general circulars and instructions, and the most prominent resolutions and readings issued by them.

In addition, attached to the report are the comments sent by any member of the Public Prosecution to the Cassation Public Prosecution in accordance with the provisions of Article (35) of this law.

The annual report is published on the website of the Public Prosecution Office or the Court of Cassation in the absence of one, and a copy of the same shall be sent to the Supreme Judicial Council and to the Judicial Receivership and Assessment Authorities.

**Sixth Chapter: Judicial Circuits**

**Article (44): Formation of Judicial Circuits**

The judicial circuit consists of a chamber, section, several chambers, several sections, a public prosecution or investigation circuit, in addition to its Registry, which is composed of a registrar and judicial assistants.

**Article (45): President of the Judicial Circuit**

The judicial circuit shall be presided by the President of the Chamber or Section. In the event that the judicial circuit includes several chambers, the president of the higher-ranking chamber shall be its President. In the event of equality of the score, seniority in the judiciary and when

the seniority is equal, the seniority of the judiciary shall be considered. If the circuit includes several sections, its President shall be specified according to the same criteria. With respect to the Public Prosecution circuits, each of them shall be presided by a Public Prosecutor. Each investigation circuit is presided by a First Investigative Judge.

**Article (46): Powers of the President of the Judicial Circuit**

The President of the Judicial Circuit is the administrative President of the Registry's employees working therein, and he has the powers granted to the director by the administrative staff rules, and he is also responsible for the good conduct of the work of the staff in his circuit.

The President of the Circuit may assign the employees of his circuit to work outside duty hours, if necessary. Each judge may, in his own discretion in the circuit, assign the employees working with him to work outside the duty hours in the same case; conditioned that the President of the circuit is informed of the same.

**Article (47): Powers of the Registrar**

The President of the Registry is responsible for the good conduct of the work before the President of the Judicial Department, and towards the staff of the Registry, and he has the powers granted by the administrative staff rules to the President of the department.

**Article 48: Distribution of Work among the Employees of the Registry**

The work is distributed among the employees of the same Registry by a decision of the President of the judicial circuit.

**Article (49): Organizing the Shifts among Registries**

The judicial vacation shall be applied to the judicial assistants in the registries, and the shift is organized to ensure the continuation of work by a decision of the President of the Judicial Circuit.

**Chapter Seven: Schedules of Judicial Organization**

**Article (50): Judges attached to the Ministry of Justice**

The Schedule No. (4) specifies the number of judges attached to each of the Minister of Justice, the General Directorate of the Ministry, the Cases Authority, and the Legislation and Consultation Authority in the Ministry of Justice, pursuant to the provisions of Article (74) of this law, as well as any other authority in the Ministry of Justice that the Ministry's Organizing Law provides for the appointment of judges thereto.

**Article (51): Judges attached to specialized courts**

The number of judges attached to the specialized justice courts is specified in Table No. (5) pursuant to Article 23 of this law.

**Article (52): Determination of Judicial Organization Schedules**

The schedules mentioned in this law are drawn up in pursuance of a decree issued by the Council of Ministers based on the proposal of the Minister of Justice and after the approval of the Supreme Judicial Council, within a maximum period of six months from the date of publishing this law. Until these schedules are drawn up, the schedules attached to Legislative Decree No. 150/82, with their amendments, shall be applied.

Schedules Nos. (1) and (2) may be amended in all of the stipulations related to the distribution of judges by a decision issued by the Minister of Justice after the approval of the Supreme Judicial Council. With respect to the amendments that lead to the establishment or cancellation of courts or the increase in the staff of judges, they shall be decided pursuant to the rules stipulated in the previous paragraph. The principles of organizing the courts specified in Articles 22, 23, 24 and 25 of this law are taken into consideration on setting or amending the schedules later.

### **Third Part: The Court Judges**

#### **First Section: The Principle of the Independence of the Judge and its Guarantees**

##### **Article (53): The principle of the independence of the judge and its guarantees**

Judges are independent in execution of their functions to guarantee the rights and freedoms of litigants, and they are required to maintain their independence, in terms of saying and acting.

In order to guarantee this independence, judges have all the rights and freedoms contained in the constitution and the enforced laws, on an equal basis with all citizens, and these rights and freedoms are only limited by what is imposed by the independence of the judiciary. Judges may not be appointed, transferred, assessed, disciplined, or dismissed from the judiciary except pursuant to the provisions of this law.

In addition to the guarantees stipulated by the laws in force, the State guarantees to judges' compensation for any damage caused to judges, a member of their families, or their sums due to, during and on the occasion of their office. This guarantee includes, in particular, all damages resulting from interference with the functions of judges or in the course of addressing such interference.

### **Chapter Two: Apprentice Judges**

#### **Section One: Appointment of Apprentice Judges at the Institute of Judicial Studies**

##### **Article (54): Appointment of Apprentice Judges**

Apprentice judges at the Institute of Judicial Studies, Department of Judicial Progression, shall be appointed from among the successful candidates in a contest organized according to the procedures specified herein.

##### **Article 55: Announcing the Contest**

The Minister of Justice shall, annually and after consulting the Supreme Judicial Council, specify the State Consultative Council, and the Audit Bureau, as the case may be, the need of the judicial, administrative and financial judiciary for new judges, pursuant to clear criteria that take into consideration the increase in the number of cases and the population or any other circumstances that require an increase.

The Minister of Justice, after securing the necessary credits, shall request from the authorities mentioned in the previous paragraph of this Article to organize a contest for this purpose, which shall be duly announced by them.

##### **Article (56): Participation in the Judicial Studies Institute Contest**

To participate in the contest to join the Institute of Judicial Courses, it is conditioned to pass the preparatory year organized by the institute successfully.

##### **Article (57): Preparatory Year**

The Supreme Judicial Council shall determine the terms of the contest for selecting candidates to enter the preparatory year and announce them, after consulting the Board of Directors of the Institute of Judicial Courses; conditioned that it shall include an oral interview, followed by a written contest in legal subjects and general culture for those who passed the oral interview.

##### **Article (58): The Admission Exam for the Preparatory Year**

Candidates to participate in the preparatory year are subject to an oral interview conducted by committees appointed by the Institute's Board of Directors, each of which is constituted as follows:

- The President of the Institute of Judicial Studies or the Director of Lessons, as Chairman.
- A judge of the seventh degree and above, chosen by the Supreme Judicial Council.

- A judge of the seventh degree and above, chosen by the Institute's Board of Directors.
- A psychologist selected by the Institute's Board of Directors.
- A cultural academic chosen by the Institute's Board of Directors.

The committee shall examine the biography, experience and knowledge of each candidate and shall submit the names of the candidates proposed to be accepted to participate in the written competition to the Supreme Judicial Council.

The Supreme Judicial Council shall appoint an examining committee to conduct the written contest, shall determine the materials on the basis of which it shall be conducted and the rate of admission marks, and shall announce it one month before its conduct, along with the names of the accepted candidates who passed the oral interview to participate in the same.

**The Examining Committee shall consist of:**

- President of the Institute of Judicial Studies as Chairman; and
- Director of Lessons as Vice President.

Judges with a degree of not less than the seventh degree, taking into consideration the diversity in their specialization, and with no less than five years of academic experience, as members.

The same person may not be registered in the Examining Committee more than two consecutive times.

No member of the examining committees shall participate in the interviews or the correction with regard to any contestant with whom he has an impeding kinship relationship.

#### **Article (59): Conditions for Candidacy for the Contest of Participation in the Preparatory Year**

Applications for candidacy for the contest shall be accepted by all who meet the following conditions:

- 1- Lebanese for at least ten years.
- 2- He has the civil rights and has not been convicted of a felony or a heinous misdemeanour.
- 3- He has not been sentenced to a disciplinary penalty in the last ten years by one of the liberal profession's syndicates or by the Supreme Disciplinary Committee for employees, or by any special council for disciplining employees.
- 4- He has held a Lebanese law degree that allows him to join the Bar.
- 5- He should be fluent in Arabic, and proficient in either French or English.
- 6- He should be under the age of thirty-five.

For the application of this article, the date approved for calculating the expiry of time limits or age is the date of submitting the candidacy application.

#### **Article (60): Competition Results**

The examining committee shall announce the results of the contest and immediately reports it to the Supreme Judicial Council, which submits it to the Minister of Justice, and the latter publishes it on the ministry's website.

Anyone who participated in the match may object to the result before the examining committee within a week from the date of publishing the results on the Ministry's website, under pain of forfeiting the right to object, and he may request, based on his objection, a complete or partial re-correction.

After completing all objections to the results, the successful applicants shall join the apprenticeship department at the Institute of Judicial Courses for a preparatory year lasting nine months, shall follow the lessons according to the curricula specified by the board of directors, and shall join the courts determined by the board of directors, without having the right to participate in deliberations.

A file shall be organized for each student, including his grades, reports, notes, and evaluation by the president of the institute, the director of lessons, the Presidents of the courts to which he is attached, judges, lecturers, supervisors of his studies and research, the candidate's scientific competence, his behaviour, perseverance in attendance, discipline, and psychological comfort.

**Article (61): Certificate of Completion of the Preparatory Year**

The Board of Directors of the Institute shall organize a list of the names of those who have passed the preparatory year and their arrangement. Those who succeed in the preparatory course are given a certificate proving the same.

The Institute of Judicial Courses may conclude agreements with universities regarding the equivalency of lessons in the preparatory year.

**Article (62): Right to Candidate for the Contest for the Appointment of Apprentice Judges**

The right to candidate for the contest for the appointment of apprentice judges is limited to those who have succeeded in the preparatory course organized at the Institute of Judicial Studies.

It may not candidate for the contest, for those who have previously participated in it more than three times.

**Article (63): Interviews**

The Supreme Judicial Council, after being joined by the President of the Institute of Judicial Studies, the Director of Lessons, the Director of the Internship Department, and the Director of the Continuing Training Department, interviews the candidates as it deems appropriate, studies their files, and may listen to any of the persons who organized a report or made observations recorded in the candidate's file. The interview focuses on the candidate's personality, culture, and eligibility to undertake the judiciary, taking into consideration his attendance at the training year's work, his discipline, behaviour and psychological comfort during this year.

The Supreme Judicial Council may seek the assistance of a specialist in employment, human resources and psychology to attend the interviews, after consulting the Ministry of Education and Higher Education.

Immediately after the end of the interviews, the Supreme Judicial Council shall announce the candidates accepted to participate in the written contest, and set the date of its conduct and the materials it includes.

**Article (64): The Written Contest**

The Supreme Judicial Council shall form an examining committee consisting of the President of the Supreme Judicial Council as Chairman and the President of the Institute of Judicial Courses as Vice-President, and six judges of the seventh degree and above, with academic experience of not less than five years, as members.

He shall replace the President of the Supreme Judicial Council, his deputy, and he shall replace the President of the Institute of Judicial Courses, the director of lessons, if the objection clause is met.

The written contest is organized in one day and for a period of six hours, during which the candidate is provided with a case file prepared by the Examining Committee, which includes summons, regulations and supporting documents, and as a result, he is asked to organize a ruling that settles the dispute, and the contestant may use the codes of laws to organize the ruling.

Three members of the examining committee deliberate in each marking contest.

The other three judges do the same, without seeing the result of the first correction. The two marks are submitted to the full examination committee to issue the final result.

**Article (65): Declaration of Results**

The Examining Committee shall announce the results of the contest and shall report it immediately to the Supreme Judicial Council, which submits it to the Minister of Justice, and it shall be published directly on the Ministry's website.

**Article (66): Enrolment of Apprentice Judges in the Judicial Studies Institute**

Successful candidates shall be appointed by a decree issued by the Council of Ministers based on the proposal of the Minister of Justice after the approval of the Supreme Judicial Council, and they shall join the Institute of Judicial Courses for a period of three years, during which they receive the salaries of apprentice judges.

The decree appointing apprentice judges shall be issued within one month of informing the Ministry of Justice of the approval of the Supreme Judicial Council for their appointment.

In the event that the above-mentioned decree takes more time to be issued than the specified deadline, any of the successful candidates may not be enrolled in a subsequent contest before those who had succeeded in the previous contest exercise their right to enrol in the Institute of Judicial Courses.

If the apprentice judge is an employee, he shall be transferred from his staff to the staff of the judiciary with the same salary that he was receiving if it is higher than the salary of the apprentice judge. In addition, such apprentice judge shall also benefit from the promotion concerned with the apprentice judges as of the date of his joining the institute.

**Article (67): Oath**

The apprentice judges shall, immediately upon their appointment and before they begin their work before the Beirut Court of Appeal, take the following oath: "***I swear by Almighty God that I shall reserve the confidentiality of deliberation and that I shall act in all my duties as an honest and honourable apprentice judge.***"

**Second Section: Promotion, Graduation and Announcing the Eligibility of Apprentice Judges**

**Article (68): Promotion of Apprentice Judges**

The apprentice judge shall be promoted to grade one upon the successful completion of each academic year at the institute, and these grades are not counted among the apprenticeship grades after graduating.

**Article (69): Granting Specialization to the First Four Apprentice Judges**

A decree issued upon the proposal of the Minister of Justice and after the approval of the Institute's Board of Directors shall authorize the dispatch of the first four apprentice judges from each batch, to benefit from granting a specialization abroad; provided that the same decree shall specify the conditions for transportation, the place of specialization, the scientific certificate that should be obtained, and the equal testimonies and terms of equivalency.

**Article (70): Apprenticeship Results in the Institute**

The results of each judge's work shall be recorded in his personal file kept in the Secretariat of the Institute. The apprentice judge shall be obliged to repeat the academic year if he does not achieve the required average for promotion to the following year. At the end of the apprenticeship period, the Institute's Board of Directors, based on the results issued by the President of the Institute and on the report it prepares regarding the apprentice judges, shall set the graduation list and the arrangement of the apprentice judges, according to the average of the three-year results, and send the same to the Supreme Judicial Council attached to its proposals.



These proposals shall include declaring the entitlement of the apprentice judge to move to the original judiciary, or his incompetence, or extending the internship of the judge for an additional year.

**Article (71): Declaration of Competency of the Apprentice Judge**

The Supreme Judicial Council may, at the end of each year, declare, by reasoned decision, the disqualification of the apprentice judge based on the proposal of the Institute's Board of Directors.

The Supreme Judicial Council shall make its decision regarding the eligibility of the apprentice judge to move to the original judiciary, within a period no later than one month from the date on which he is notified of the graduation list, and his file is transferred to the Supreme Judicial Council; conditioned that a copy of the file shall be kept in the institute.

The incapacity of the apprentice judge to move to the original judiciary is declared by a decree based on the proposal of the Minister of Justice in accordance with the decision of the Supreme Judicial Council.

The decree of incompetence shall terminate the service of the intern judge, without the need to issue any other administrative act, and this decree shall accept the appeal before the State Consultative Council. The decision of the State Council shall be effective in itself as soon as it is notified to the person concerned.

**Article (72): Regulations and Disciplinary Procedures for Trainee Judges**

Apprentice judges are subject to the same regulations related to original judges, such as disciplinary and due process regulations applicable to judges in criminal prosecutions, with the exception of what is specific to apprentice judges' pursuant to the legal texts that take care of their situation.

**Article (73): Appointment of Apprentice Judges as Original Judges**

By a decree issued upon the proposal of the Minister of Justice within a maximum period of one month from the date of declaring their eligibility, the apprentice judges, whose qualifications are declared, shall be appointed as original judges of first degree.

When there is no vacant office, the apprentice judge shall be attached to the Ministry of Justice until issuance of his appointment and attachment when the first office becomes vacant pursuant to the graduation regulations at the institute.

If the salary of the graduated judge during this period is less than the salary of the accredited judge, the graduate shall receive, temporarily and until his appointment as an accredited judge, in addition to his salary, a monthly compensation equal to the difference between his salary and the salary of the accredited judge with the compensations attached to the salary of the accredited judge, until the issuance of the decree appointing him. His apprenticeship period shall begin as an accredited judge three months after declaring his eligibility without the issuance of a decree appointing him as an accredited judge; conditioned that this apprenticeship period is calculated when the appointment decree is issued.

**Third Chapter: Accredited Judges**

**Section One: Appointing the Accredited Judges**  
**General Provisions**

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**Article (74): Appointment of Accredited Judges by Contest**

In addition to the conditions stipulated in Article (59) hereof, and with the exception of the age requirements, judges from outside the Institute of Judicial Courses can be appointed, when necessary, by a decree issued by the Council of Ministers based on the proposal of the Minister of Justice and after the approval of the Supreme Judicial Council based on a contest made by the Institute of Judicial Courses.

The candidate shall either be a lawyer for at least ten years, including years of apprenticeship, or a Judicial Assistant who has practiced his job for at least ten years after obtaining a law

degree, or an employee in public administrations or institutions whose job requires a law degree that has been exercised, as a job, for the same period after having obtained that certificate. The former apprentice judges whom the Supreme Judicial Council decided to disqualify from serving as judges shall not be accepted in the contest.

The provisions of Articles (58), (59) and (64) of this law shall apply to the contest.

The winning judges in the contest, after being appointed by decree pursuant to this law, are attached to the Institute of Judicial Courses for a period of six months, during which they receive the salary of the accredited judge in the first degree. At the end of this period, the Institute's Board of Directors shall set a report on the eligibility of each of them and submit it to the Supreme Judicial Council, which shall declare their eligibility to move to the accredited judiciary or their inability. The decision of the Judicial Council of ineligibility shall constitute a conclusive reason for the termination of the service of the person concerned with this decision in the same manner in which he was appointed. The decision to terminate the service is not subject to any method of review, including its assessment of annulment for exceeding the limit of authority.

Judges declared qualified are appointed by decree on the basis of the Minister of Justice.

#### **Article (75): Oath**

The accredited judges shall, upon appointment and before assuming their duties, take the following oath:

***"I swear by Almighty God to execute my judicial duties independently and impartially in order to reserve the rights and freedoms of persons, and to work to secure the independence and transparency of the judiciary and to reserve the confidentiality of deliberation."***

#### **Article (76): Creation of a Special File for Each Judge**

Upon his appointment, each judge shall create a file containing all the data and documents related to his job status, a copy of which shall be deposited with the Secretariat of the Supreme Judicial Council and another with the Ministry of Justice. It shall include the mentioned documents sequentially and without interruption, after numbering and recording each of them. It may not include any reference to the judge's political views in the file or his social, religious or philosophical activities. Each judge may review his private file and the documents and papers contained therein. The concerned judge may submit any comment related to one of the documents or papers in his file, including the comment to his file.

### **Section Two: Formations and Transfers of Judges within Judicial Centres**

#### **Article (77): Formations**

The Supreme Judicial Council shall set draft formations, transfers, and distribution of judicial work according to the criteria and conditions stipulated in this law and shall submit them to the Minister of Justice to be issued by decree based on his proposal.

In the event of a difference of opinion between the Minister of Justice and the Supreme Judicial Council, the Minister of Justice shall call the Council to a joint session between them within fifteen (15) days from the date the project was received by the Office of the Ministry of Justice, to consider the points of disagreement.

If the dispute is not resolved, the Supreme Judicial Council shall consider the matter again to decide on it and shall take its decision by a majority of seven (7) of its members; provided that each center is voted on individually, and it is submitted again to the Minister of Justice and its decision in this regard is final and binding. Judicial formations are issued pursuant to the previous clauses by decree based on the proposal of the Minister of Justice.

In all cases, the formations are considered valid and work shall begin according to them if they are not issued by decree within a period of one month from the date of the project's receipt to the office of the Ministry of Justice.

**Article (78): The Judge may not be transferred**

A judge shall not be dismissed except pursuant to the provisions of this law, and he shall not be transferred from his office outside the judicial formations without his consent, even if this is for promotion, and a decree in this regard cannot be issued except in pursuance of the provisions of hereof.

An exception is made from the provisions of the principle that a judge shall not be transferred without his consent in the event of a disciplinary penalty, except for warning or censure.

**Article (79): Duration of Assignment**

Without prejudice to the Presidents of the Chambers of the Court of Cassation and the First Presidents of the Courts of Appeal, the undersigned judge shall not occupy the same office for more than a certain period as indicated below.

The same office shall mean the Court of Cassation or the Court of Appeal in which the judge was working within the framework of its geographical scope or the administrative body within which he was working in the Ministry of Justice “the Legislation and Consultation Authority, the Institute of Judicial Courses, the Cases Authority or the General Directorate of the Ministry of Justice.”

With respect to the Presidents of the Appeal Chambers (civil or criminal) or of the Arbitral Labor Council, the Financial Public Prosecutor, the Appeals Attorney-General, the First Investigative Judge, the President of the Cases Body, the President of the Legislative and Consultation Commission, the President of the Institute of Judicial Studies and the President of the Courts of First Instance, the period of service shall be in the same office for (5) five years.

With respect to the remaining Single Judges, Summary or Execution Judges, Consultants in Courts of First Instance or Appellate Courts, Cassation or Appellate Attorney-Generals, Investigative Judges, or Advisory Judges attached to the Ministry of Justice (the Legislative and Consultation Commission, or judges who undertake notable tasks in the law within the Institute of Judicial Courses or the Judicial Studies Commission Cases or the General Directorate of the Ministry of Justice) the period of service in the same office shall be (4) four years.

With respect to the Public Prosecutors and Attorney-Generals, a judge may not occupy one of these offices more than once during his tenure in the judiciary.

**Article (80): Transparency, Presence and Equality**

The Supreme Judicial Council shall announce the conduct of judicial formations at the end of the judicial year. Each judge shall, within a period of two weeks from the date of the announcement, inform the Council’s secretariat of the three offices he wishes to undertake in three different governorates with their order according to the preference; conditioned that these offices are among those that he may assume according to the rules specified in the law, and to indicate reasons for his choices.

Immediately upon the expiration of the period specified in the previous paragraph, the Secretariat of the Supreme Judicial Council shall prepare a list of judges and the offices they have expressed their desire to assume. Each judge shall have the right to be informed of them. The Supreme Judicial Council shall conduct interviews to select from among the judges nominated for each office. Each judge may request an interview with the Supreme Judicial Council, and the Council shall assign each judge a time for the interview, or assign a member to meet with him. Otherwise, it may not for any judge to communicate with any of the members of the Supreme Judicial Council, directly or indirectly, on the matter of formations, under penalty of disciplinary prosecution.

In addition to the special provisions for candidacy stipulated in this law, a candidate for any judicial office is required to have spent in his current office the entire period stipulated in Article (84) of this law, except in exceptional cases related to the judge’s health conditions confirmed by medical reports, which are left to be judged. The Supreme Judicial Council in terms of accepting or rejecting the candidacy.

The judge, who has fulfilled the time limit stipulated in Article (84) of this law and has not notified the Supreme Judicial Council of his nomination one month before the expiration of the

period to be served, or who has been candidate for positions that his rank does not qualify him to assume, is deemed to have agreed to leave the matter of its formation to the Supreme Judicial Council.

In the formations, in addition to the required degree, it is taken into consideration that the candidate has successively exhausted the ranks in the above-mentioned positions. In forming, assigning or assigning judges, adherence to the minimum grades required for each judicial center shall also be taken into consideration.

### **Article (81): Mission Judges**

A maximum of five percent of the judicial offices shall be allocated to judges on assignment, and they shall receive an increase in salary equivalent to that received by judges attached to the Ministry of Justice.

Judges with a mission do not occupy a specific judicial office, and the Supreme Judicial Council may assign them to any task commensurate with their qualifications and rank.

The presence of mission judges aims to fill any vacancy, not to assign a judge to two judicial centres, and to run the work of the courts.

### **Article (82): Criteria for Selecting Judges**

**A-** Formations are concluded based on objective bases launching from the centre, and the judge who is most suitable for him shall be chosen.

All judges are subject to a periodic assessment every two years, through the Judicial Assessment Commission, and an Assessment file shall be organized for each judge; conditioned that he may access this file.

To choose the most appropriate judge for each office, the following criteria shall be adopted, according to the order, which means that when the candidates are equal regarding the first criterion, he shall move to the next criterion, and so on, until he is able to give preference among the candidates:

- 1- Ethics:** In such a case, the part related to morality in the periodic evaluation and the report of the receivership authority shall be approved.
- 2- Scientific, judicial and personal competence:** In such a case, the part related to scientific and judicial competence is approved in the periodic assessment, the judicial receivership report, the scientific and technical certificates obtained by the judge, the training courses he obtained, and the experience he gained in his previous offices. The personal part of the periodic assessment and the judicial receivership report depends on personal competence.
- 3- Productivity:** In such a case, the part related to productivity in the periodic assessment and the judicial receivership report shall be adopted.
- 4- Seniority.**
- 5- Attendance:** how the judge is committed to attend the work locations to perform his duties.

**B-** The Judicial Council shall organize, for each centre, a list of the names of the persons who have expressed their desire to take him, taking into consideration the preference expressed by these persons.

It may not compare judges except on the merits specified in the law. The office of each candidate judge is assessed, by studying the assessment file, and determining other criteria that are taken, to select the most suitable candidate.

**Article (83): Grades Eligible for Appointment**

- 1- The judge may be appointed as a member of the Court of First Instance and above.
- 2- Only a judge of the fourth degree and above may be appointed as a single judge.
- 3- The Summary Judge, the President of the Execution Circuit, an Appellate Counsellor, an Appellate Public Attorney, an Investigative Judge, or a Counsellor in the Ministry of Justice (the Cases Authority, the Legislation and Consultation Commission, or the General Directorate of the Ministry of Justice) may only be appointed a judge of the sixth degree and above.
- 4- The judge may not be appointed as a President of First Instance (juvenile felonies), except of the ninth degree and above.
- 5- A judge may not be appointed as a counsellor in the Court of Cassation, a Cassation Public Attorney, or a Financial Public Attorney, except of the twelfth degree and above.
- 6- The judge may not be appointed the President of an Appellate Chamber (Civil - Penal), a Financial Public Prosecutor, the President of an Arbitral Work Council, an Appellate Attorney General, a First Investigating Judge, the President of the Cases Authority, or the President of the Legislation and Consultation Commission, except from the fourteenth degree and above.
- 7- The judge may not be appointed as First President of the Court of Appeal, except from the sixteenth degree and above.
- 8- The judge may not be appointed as a President of a Chamber in the Court of Cassation or as a Public Prosecutor at the Court of Cassation, except for the sixteenth degree or above.
- 9- The judge may not be appointed as a First President of the Court of Cassation of the eighteenth degree or above.

**Article (84): Other Conditions for Appointment**

- A- No judge can assume the presidency of a section or court, whether of the First Instance or the Appellate Court, unless he has held the office of a member in the Courts of First Instance or an Counsellor in the Courts of Appeal for a period of no less than five years during the ten years preceding his appointment.

No judge can assume the presidency of the Court of Cassation or the office of an Appellate or Financial Attorney General, or a government commissioner to the military court, or an Investigative Judge unless he has held the office of Counsellor at the Court of Cassation for a period of no less than five years during the ten years preceding his appointment.

No one may be appointed as the President of a Chamber at the Court of First Instance, or an Investigative Judge or an Attorney-General, except for a judge who has previously been appointed as a counsellor to the Court of Appeal for at least three years.

- B- A President of a Chamber to the Court of Appeal, an Appellate Attorney General, a First Investigative Judge, a First Investigative Judge to a military Court, or a Government Commissioner to a military court may not be appointed, except for a Judge previously appointed as a Chamber Chief at the Court of First Instance, an Investigative Judge, a General Attorney, or a Counsellor to the Court of Appeal for at

least seven years, or a Judge previously appointed as a Counsellor to the Court of Cassation for at least four years. The judges of the Court of Appeal are preferred over the judges of the Courts of First Instance in all cases, and when the evaluation category is equal, those who have spent more years in the Court of Appeal are preferred.

- C-** It may not appoint a Counsellor to the Court of Cassation, except for a judge who was previously appointed as a Counsellor to the Court of Appeal or the President of a Chamber at the Court of First Instance, or an Investigative Judge or an Attorney-General for a period of at least eight years, or the President of a Chamber at the Court of Appeal for at least three years.
- D-** No President of a Chamber at the Court of Cassation may be appointed, except for a judge previously appointed as a Counsellor to the Court of Cassation for a period of at least five years, or the President of an Appeal Court, a Public Prosecutor or a First Investigative Judge for a period of at least eight years. The Counsellors of the Court of Cassation are the first to preside over it, and when the evaluation category is equal, those who have spent more years in the Court of Cassation are preferred.
- E-** In order to calculate the number of years, the years are added to the parallel centres.

The Supreme Judicial Council, in exceptional cases, such as the lack of a sufficient number of judges who fulfil the conditions for appointment in some offices, to exceed some of the above-mentioned rules to ensure the continuity and good conduct of the courts; conditioned that its decision in this case is justified.

However, it may not exceed the principle of non-transfer of the judge in such a case, except by transferring the judge to an office parallel to his office.

**Article (85): Judges' Rotation in Regions**

A judge cannot be appointed in the same governorate until he has been appointed in four different governorates.

**Article (86): Equality in Formations**

Discrimination of any kind may not be in judicial formations, in particular discrimination on the grounds of race, sex, religion or doctrine.

**Article (87): Incentives to Work in the Regions**

A decree issued by the Council of Ministers shall, based on the proposal of the Minister of Justice and the Minister of Finance, and with the approval of the Supreme Judicial Council, determine a transfer compensation that takes into consideration the distance between the judge's place of residence and his workplace.

**Article (88): Completing the Achievement**

No judge may complete the files referred to him by the President of the department as long as the latter complies with the number of units approved by the evaluation body within the annual calibration list stipulated in Article (144) hereof. He shall issue the final judgment in the case, the indictment, the accusation, or the examination of the basis within the maturity period as a maximum, unless the First Appeal President, after consulting the opinion of the scientific committee in the Judicial Assessment Authority, and for special difficulties related to a file, permits him to transfer the file to the adjudication. The subsequent one is cumulative without decreasing the class quorum.

If the judge shall not complete his files at the beginning of October, and unless he presents a serious excuse that is free to accept, he shall be included in his personal file, and the First President shall definitively refer him to the judicial inspection.

The first semester shall commence at the beginning of October and ends on the tenth of February. The maturity period is from the tenth of February to the end of each year. The second semester shall commence at the beginning of March and ends on the tenth of July. The maturity period is from the tenth of July to its end.

The files are distributed during the semester; conditioned that the files distributed in the last two months of that semester are counted from the units of the next semester.

The judge shall, in his own discretion, determine the sessions and arrange the files according to his free will, and the judicial formations shall not prevent him from following up on a file that was distributed to him and the trial was concluded, and nothing prevents him from being dismissed except by retirement, death or the expiration of his judicial capacity for any reason.

#### **Article (89): Reclassification of a File**

The President of the Judicial Department may refer, through the First President of the Court of Appeal, to the scientific committee of the Judicial Assessment Committee, a request to classify a file that was not included in the annual calibration list approved by the Supreme Judicial Council.

In addition, any judge may, through the First President of the Court of Appeal, request the abovementioned scientific committee to reclassify a particular file due to its privacy.

The Scientific Committee shall, through the President of the Judicial Assessment Authority, after hearing the applicant or the request, submit its proposal to the Supreme Judicial Council, which takes a final and enforceable decision. This decision does not accept any method of review.

### **Fourth Chapter: General Provisions**

#### **First Section: Conditions and Contraindications for Doing other Work**

#### **Article (90): Contraindications to Performing other Jobs or Professions except for Teaching and Scientific Research**

It may not under any circumstance to transfer or delegate a judge outside the judicial staff, whether permanently or temporarily, and it may not combine judicial work with public positions, nor may it be combined with any profession or paid work, including arbitration. In addition, a judge may not candidate for membership in the Representative Council, or for membership in the Constitutional Council, or assumes any ministerial portfolio until at least two years have passed since leaving the judiciary.

With respect to the judges who, on the date of the issuance of this law, assumes any of the positions mentioned in this paragraph, they shall be considered outside the judiciary, pursuant to law, except if the judge's assessment is good, then he shall give scientific lectures and teaching, outside official working hours, in law faculties; conditioned that the number of teaching hours per week shall not exceed three hours, including research hours, and after the approval of the Supreme Judicial Council.

It also excludes the possibility of assigning a judge to work in judicial committees; conditioned that this assignment shall not exceed, at the same time, more than two committees. The judge shall be free to publish studies, books and scientific articles.

Judges who have been dismissed, transferred or delegated from the staff of the judicial court to public administrations and public institutions may, within two months from the date of the publication of this law, exercise the right to choose between remaining in the staff to whom they were dismissed, transferred or assigned or returning to the staff of the judicial court in the degree closest to their salary.

In the event that the judge chooses to return to the staff of the judicial court, he shall be returned to the degree closest to his salary, and to the judicial centres determined by the Supreme Judicial Council, or he shall be attached to the Ministry of Justice.

A court judge may be delegated to the General Directorate of the Presidency of the Republic, the General Directorate of the Presidency of the Council of Ministers, and to the Supreme Disciplinary Authority. The delegation shall be for a period of non-renewable- two- years.

The delegated judge shall remain subordinate to the cadre of the judicial court and shall continue his hierarchy within the aforementioned staff, and shall receive his due compensation for his category and degree from the budget of the Ministry of Justice.

In all cases, only judges working in the judicial corps, apprentice judges and retired judges from this corps, and their families and the families of deceased and delegated judges, exclusively pursuant to the provisions of this law, shall benefit from the contributions of the Judges Mutual Fund.

## **Section Two: The Judge's Freedom of Expression, Assembly, and Establishment of Associations**

### **Article (91): The Principle of Freedom of Judges for Expression, Assembly and Establishment of Associations**

Judges may establish and join professional associations, and belong to other legally established associations that seek to achieve legitimate goals; conditioned that they do not conflict with the powers of the Supreme Judicial Council, the code of ethics for judges, or the principle of the independence of the judge.

They may establish professional judicial associations with the aim of establishing various scientific and cultural activities, developing expertise and knowledge, advancing judicial work, ensuring communication among them and communicating their ideas, demands and proposals to the Supreme Judicial Council on issues related to the affairs of judges in general and improving the conditions for practicing their work.

The freedoms referred to in the previous paragraph shall be exercised in a manner that does not conflict with the principles of judicial ethics.

Judges may not exercise political action and participating in any way in any grouping or association whose goals are inconsistent with the principles of human rights, justice and equality.

## **Section Three: On Discipline**

### **Article (92): Violation of Job Requirements**

Every breach of the duties of the job and every act that affects honour, dignity or morals shall constitute an error and is punishable by disciplinary action.

In particular, it is considered a breach of the duties of the job, failure to attend sessions, and to issue judgments on time, delay in deciding cases, failure to set a specific date for comprehension of judgment at the conclusion of the trial, discrimination between litigants, disclosing the secret of deliberation, violating the provisions of the moral code, and everything that suggests or indicates lack of independence of the judge, lack of integrity or lack of integrity. Equality of treatment, bias towards one or more teams, or moving away from rapid achievement with professionalism and efficiency.

### **Article (93): Giving Remarks**

Outside of every disciplinary prosecution, the President of the Supreme Judicial Council may, when necessary, direct a note to any of the judicial judges, with the exception of the judges of the authority, council, or court he presides, whom the Supreme Judicial Council may direct the observation to, and the Public Prosecutor of Cassation and the First President of the Court of Appeal and the Public Prosecutor at the Court of Appeals may direct a note to the judges within their circuits, without prejudice to the sentence judges who make up the Chamber of the First President.

### **Article (94): Disciplinary Council**

The disciplinary board for judges consists of:

- President of a Chamber in the Court of Cassation, "**Chairman**"
- President of two chambers of the Courts of Appeal, "**Two members**"



They are chosen by the Supreme Judicial Council by a two-thirds majority of its members and from outside it, at the beginning of each judicial year. It shall also choose a president and an alternate member who performs duties in the absence or inability of the president or any member.

The President of the Judicial Receivership Commission or whomever the President delegates from among the members of the commission shall act as the General Commissioner to the Council. In this capacity, he shall represent the general right to discipline judges. The Council shall consider disciplining judges based on a referral from the Judicial Receivership Board. The reasons for replying and stepping down as stipulated in the Code of Civil Procedure apply to the council chairman and its members.

The Supreme Council of the Judiciary shall, with all its members, consider a request to respond or step aside, within a maximum period of three days.

**Article (95): Rules of Referral and Prosecution before the Disciplinary Council**

- A-** As soon as the Disciplinary Council is informed of the referral of any of the judges to it, its president may appoint a case rapporteur from among its members, if it deems it necessary to conduct a preliminary investigation. The relevant judge shall be notified of the decision to refer him to the Disciplinary Council, along with all the papers of his disciplinary file, at least seven days before he is called to the first session before him or the presiding judge.
- B-** The relevant judge shall be notified of all investigation or questioning procedures pursuant to the prima facie principle.
- C-** All sessions of the Disciplinary Council shall be held at the headquarters of the Court of Cassation. If, without an acceptable excuse, the judge fails to attend any of the investigation or trial procedures, despite being legally notified, he shall be summoned again to attend a second hearing, the date of which shall be fixed no later than one week from the date of the first hearing. In the event that the judge is repeatedly absent without an acceptable excuse, the rapporteur or the council may take a decision to try him in absentia.
- D-** The relevant judge may seek the assistance of an attorney at his side in the lawsuit filed against him.
- E-** The President draws up a report or assigns one of the council members to do so.

The rapporteur conducts the necessary investigations, listens to the person concerned, receives the testimonies of witnesses after the oath, and submits his report to the council without delay.

- F-** In the event that a rapporteur is appointed, the latter conducts all the investigations he deems appropriate, and deposits his report with the Disciplinary Council after its completion without delay.
- G-** Investigations and trials are conducted in secrecy, unless the relevant judge or the judicial inspection body requests that secrecy be lifted.

In this case, the date of the trial session shall be announced at least "48" hours before the Court of Cassation, unless a request to make disclosure is submitted during the same session.

- H-** The person concerned has the right to seek the assistance of a lawyer, and if he is absent, the council will consider the case in light of the documents only.
- I-** The Board issues a justified decision on the same day or postpones it to the next day at most.

**Article (96): Disciplinary Sanctions**

The disciplinary sanctions that can be imposed are:

- 1- Warning.
- 2- Blame.
- 3- Delaying promotion for a period not exceeding two years.
- 4- Dropping the class.
- 5- Suspension from work without pay for a period not exceeding one year.
- 6- Discharge from service.
- 7- Dismissal with deprivation of exchange compensation or retirement pension.

In the event of demotion, the judge retains his seniority for promotion, and in the event of dismissal with deprivation of exchange compensation or retirement pension, retirement deductions shall be returned to him.

**Article (97): Disciplinary Decision**

At the conclusion of the trial, the Board shall issue a disciplinary decision on the same day or the following day. The Disciplinary Council shall issue a reasoned decision within six months starting from the date on which the relevant judge is notified of the complaint against him. The criminal prosecution, if any, does not stop the disciplinary prosecution, and the decision issued for criminal prosecution does not affect the content of the disciplinary decision.

Disciplinary decisions are issued by the majority of the members of the Council, and any of its members has the right to record a dissenting opinion recorded at the bottom of the decision issued by the majority and is an integral part of it.

The assigned judge shall be notified of the disciplinary decision pursuant to the applicable procedures for notifying criminal judgments.

**Article (98): Publication of Disciplinary Decisions**

The final disciplinary decisions are published on the website of the Supreme Judicial Council, after deleting all information related to the identity of the stakeholders, except for the decision imposing the penalty of dismissal or discharge.

Any person may obtain a copy of the disciplinary decisions from the Secretariat of the Supreme Judicial Council, after deleting the information mentioned in the previous paragraph of this article, but if the decision orders dismissal or discharge, such information shall not be deleted.

The Supreme Judicial Council shall include in its annual report information about the number of disciplinary decisions and the type of errors the decisions dealt with, as well as the type of disciplinary sanctions imposed and the important reasons for disciplinary decisions.

**Article (99): Challenge of the Decisions of the Disciplinary Council**

The council's decision issued for appeal by the relevant judge or by the head of the Judicial Inspection Authority shall be accepted within fifteen days from the date of its issuance on time or from the date of its notification in case it was issued at an untimely date. The appeal is submitted to the Supreme Disciplinary Board.

The decision of the Supreme Judicial Disciplinary Authority shall not accept any method of review and is effective in it as soon as it is notified to the person concerned in the administrative form.

**Article (100): Objecting to a Disciplinary Judgment issued in the Absence of a Judge**

In the event that the disciplinary decision is issued in the absence of the relevant judge, the latter may object before the disciplinary council within seven days of being notified of it, and

the objection shall fall ipso facto in the event of the judge's absence without an acceptable excuse despite having notified the date of the session set for legal consideration.

**Article (101): The Supreme Judicial Authority for Disciplinary and Due Diligence before it**

The Supreme Disciplinary Board is composed of the President of the Supreme Judicial Council or his deputy as president and four members appointed by the council and from among its members at the beginning of each judicial year. The council also appoints a replacement for any of them in the event of absence or impossibility.

The Supreme Disciplinary Authority follows the applicable accountability procedures before the Disciplinary Council. The decision of the High Disciplinary Authority shall not accept any method of review, including discrimination, and it is effective in itself once it is notified to the person concerned in the administrative form.

This decision is reported to the Minister of Justice.

**Article (102): Suspension of the Judge Referred to the Disciplinary Council from Work**

The Minister of Justice may administratively suspend from work based on the proposal of the Judicial Inspection Board, the judge referred to the Disciplinary Council.

In the event that the Minister shall not issue his decision to suspend the judge referred to the Disciplinary Council from work within fifteen days, the Supreme Judicial Council may issue an administrative decision to suspend the judge concerned upon the request of the Judicial Inspection Authority after deliberating and listening to the relevant judge.

The council may have to disregard hearing the judge if it is not possible to notify him in the last known place of residence or if he is absent from attendance without a legitimate excuse, despite being notified pursuant to the rules.

The decision to stop work shall not accept any method of review.

The period of administrative detention shall not exceed six months, renewable once according to a reasoned decision. The judge suspended from work shall receive half of his salaries and compensation.

In the event that the disciplinary proceeding against a judge is rescinded, or he is acquitted of the error on the basis of which the referral was made by a final decision, all unpaid portions of his salary shall be returned to the person concerned.

**Article (103): Notes of Judicial Officials**

Outside of any disciplinary prosecution, the President of the Judicial Inspection Authority, as well as the cassation, financial, and appellate public prosecutors, the First Presidents of the Court of Cassation and the Courts of Appeal, and Directors of Bodies in the Ministry of Justice may direct a note to judges working in the departments they head, regarding their behaviour or performance in the course of their work there.

The judge to be noted shall be invited to a preliminary interview by the administrative method. The judge concerned may seek the assistance of any person from within the circuit or court in which he works.

No notice may be directed pursuant to this mechanism after one month has passed since knowledge of the facts that would justify its directing has been made.

The notice is lapsed and withdrawn from the judge's file in the event that he is not subjected to any disciplinary or penal prosecution within a period of one year from the date of his notification of the aforementioned notice.

**Section Four: Declaring the Incompetence of Judges**

**Article (104): Declaration of Incompetence of the Judge**

Outside of every disciplinary or penal prosecution, the Supreme Judicial Council may, at any time, decide the disqualification of the original judge by a reasoned decision issued by it, amnesty or upon the proposal of the Judicial Inspection Board and after hearing the concerned judge, with a majority of seven of its members.

The Supreme Judicial Council shall decide on the ineligibility resolution within one month from the date on which he was notified of the referral of the Judicial Inspection Authority, or from the date of his move spontaneously.

The Board shall, when necessary, temporarily suspend the relevant judge from work until his final decision is issued, and that is done immediately and based on a recommendation from the Judicial Inspection Board. In this case, the suspended judge shall receive his full salary and compensation for the period of his suspension.

The council shall inform the relevant judge of the entire file that it has prepared or that was referred to it, along with the date of the hearing to it, at least seven days prior to this date. The relevant judge may accompany a lawyer to this session. The council may take a final, reasoned decision to temporarily suspend the judge from exercising his position or declare him incompetent. In these two cases, the judge retains all his material rights.

The council's decision shall not be published if it judges the judge's incompetence.

Decisions of the Supreme Judicial Council regarding the capacity of a judge may be appealed before the General Assembly of the Court of Cassation. In this case, no member of the Supreme Judicial Council has the right to participate in the work of the public authority in this regard.

The decision of the General Assembly of the Court of Cassation does not accept any method of review and is effective in itself as soon as it is notified to the person concerned in the administrative form.

### **Section Five: Administrative Provisions**

#### **Article (105): The Judge's Dress**

The shape of the judges' dress shall be determined by a decision of the Minister of Justice taken on the proposal of the Supreme Judicial Council; conditioned that the judge is obligated to wear the judges' dress in their judicial offices as while they are on the arc.

#### **Article (106): Judicial Vacation**

The duration of the annual judicial vacation for each judge is one and a half months, and it is up to the Supreme Judicial Council to specify its date for each section, chamber or judicial department in the period between July (15) and September (15) of each year.

The Minister of Justice, after the approval of the first president of the Court of Appeal to which the judge belongs, may grant him an administrative leave with full salary not exceeding fifteen days. This administrative leave shall be deducted from his annual vacation.

#### **Article (107): Honorary Position**

Retired judges who submit a request in this regard and who have not received any disciplinary punishment, except for the warning penalty, during the exercise of their duties, shall be accepted as honorary judges, and then they shall enjoy the privileges of judges. Judges are accepted into honorary offices by a decision of the Supreme Judicial Council.

### **Chapter Four: Institute of Judicial Studies**

#### **Article (108): Tasks of the Institute of Judicial Studies**

The Institute of Judicial Studies shall undertake the following tasks:

- Preparing the students for the entrance exam.
- Preparing apprentice judges for judicial work.
- Conducting research on all legal issues, especially comparative studies related to judicial practices and procedures in Lebanon and abroad.
- Continuing education for authentic judges.
- Preparing non-Lebanese judges to undertake judicial work in their countries.

The preparation of apprentice judges shall include theoretical and practical lessons in legal sciences and in auxiliary sciences in forming the culture necessary to prepare the judge intellectually and morally to assume the judiciary.

Organizing training courses for judicial assistants, judicial assistants, notaries, experts and others whom the Minister of Justice decides to undergo training courses.

**Article (109): Departments of the Institute**

Two departments are established at the Institute of Judicial Courses:

- Judicial Progression Department.
- Continuing Education Department.

Each department includes three branches: each of the official judiciary, the administrative judiciary and the financial judiciary.

The Judicial Progression Department shall undertake the preparation of apprentice judges through theoretical and practical lessons in legal sciences and in the auxiliary sciences in forming the necessary culture to qualify the judge scientifically, intellectually and ethically to assume the judiciary, and through training in the various judicial departments where the judge participates in the deliberations and adheres to its confidentiality.

The Continuing Education Department shall organize periodic training courses for judges and all the persons mentioned in the last paragraph of the previous article. The Supreme Judicial Council shall determine the minimum number of training hours that each judge must undergo in each judicial year. In addition, the department also shall undertake research on all legal issues, especially comparative studies related to judicial practices in Lebanon and abroad.

**Article (110): Administration of the Institute**

The administration of the Institute consists of a Board of Directors, a President, a Director of Lessons, a Director of Judicial Progression, and a Director of Continuing Education. Both the president and directors of the institute are fully devoted to the tasks assigned to them.

**Article (111): President of the Institute**

The Institute shall preside and represent, supervise its work and ensure its proper functioning, by a judicial judge of the sixteenth degree or above, appointed by a decree taken in the Council of Ministers pursuant to the mechanism stipulated in Article (2) hereof, for a term of four years, not renewable or extendable except after the expiry of the mandate perfect. Judges wishing to run for the presidency of the Institute shall submit their justified requests to the Supreme Judicial Council within a period of two months before the expiry of the term of the President of the Institute.

The Supreme Judicial Council shall determine the names to be nominated after studying the files and interviewing the candidates.

**Article (112): Lesson Manager**

Classes at the institute are administered by a judge of the twelfth degree and above called (Nommé) for this task by virtue of a decision issued by the Minister of Justice after the approval of the Supreme Council of the Judiciary. The tenure of the director is four years and is not renewable or extendable until after the expiry of a full term.

**Article (113): Directors**

The work of each of the two departments of the Institute shall be managed by a director named for his mission by a decision issued by the Minister of Justice after the approval of the Supreme Judicial Council from among judges of the tenth degree and above. The term of office of any of the directors shall be four years and is not renewable or extendable except after the expiry of a full term.

**Article (114): Board of Directors**

A board of directors shall be established at the Institute consisting of:  
President of the Supreme Judicial Council, "Chairman"

Director General of the Ministry of Justice, "Vice President"

President of the Institute, "Member"

Lessons Director, "Member"

Director of the Judicial Progression Department, "Member"

Director of the Continuing Education Department, "Member"

A judge from the State Consultative Council appointed by a decision of the Minister of Justice after the approval of the State Consultative Council office, for a period of three years, not renewable except after the expiry of a full term, provided that he is of the ninth degree or above.

A judge from the Audit Bureau appointed by a decision of the Minister of Justice after the approval of the Audit Bureau office, for a period of three years, non-renewable, except after the expiry of a full term, provided that he is of the ninth degree or above.

#### **Article (115): Chairman of the Board**

The Institute's Board of Directors is responsible for:

- Setting the general policy for the management of the institute.
- Draft the general budget of the Institute.
- Approval of cooperation agreements with institutes or universities in Lebanon and abroad.
- Determining the study programs, materials and training programs; conditioned that training for apprentice judges shall not be less than three years.
- Determining the methods of scientific and behavioural evaluation.
- Organizing educational and training courses.
- Selecting professors and contracting with them through the head of the institute.
- Suggesting the eligibility of intern judges, at the end of each academic year, and at the end of their internship.
- Discussing and approving the annual report of the Institute's president on the Institute's activities and work before sending a copy of it to the Minister of Justice and the Supreme Judicial Council.
- Discussing and approving the institute's internal system before it is issued by the Minister of Justice by a decision from him.
- Establishing definitions of services that can be carried out by the institute or determining the selling price of the publications achieved by the institute and issued by it.

#### **Article (116): Board of Directors Meetings**

The board of directors meets at the call of its president when necessary, or at the call of the President of the Institute, or at the call of the Minister of Justice. The Council also meets at the call of at least one-third of its members.

The Chairman of the Board of Directors sets the agenda after the advice of the President of the Institute. If the council's call is constructive, the agenda shall include in a binding manner the issues that were the reason for the call. The session shall not be held unless attended by the absolute majority.

If the quorum is not completed in the first convocation, the council is called to a second meeting within a week, and the quorum is considered to be present in the presence of one-third of the members, and decisions are taken by an absolute majority.

Minutes are drawn up containing all the discussions and decisions taken by the council, and they are reported to each of the Minister of Justice and the members of the council within fifteen days of their approval.

The members of the council and everyone who is invited to attend the sessions in a consultative manner shall abide by the confidentiality of the deliberations.

**Article (117): Powers of the President of the Institute**

The President of the Institute shall take the necessary decisions to implement the resolutions of the board of directors, and he shall ensure the proper conduct of work and morality in the Institute, and he is the direct President of the staff affiliated with the institute.

The President of the Institute, outside of every disciplinary action, may direct a note to the apprentice judges and to the staff of the institute.

The President of the Institute is considered the President of the educational body, who shall be deputized in his absence by the Director of Lessons.

**Article (118): Department Manager's Powers**

The Director of each Department is responsible for supervising the organization of lessons and ensuring their proper conduct in his department, pursuant to the conditions determined by the internal system, and he may suggest everything that would raise the level of education.

**Article (119): The Administrative Body of the Institute**

The administrative body of the institute is determined by a decree issued by the Council of Ministers on the proposal of the Minister of Justice, after consulting the board of directors of the institute.

**Article (120): Institute Bylaws**

The institute's bylaws are set by an organizational decision from the Minister of Justice, based on a proposal from the institute's board of directors.

The institute's bylaw shall determine everything related to the organization of study, examinations, graduation, morality, preparatory courses, disciplinary procedures, and the organization necessary to implement the provisions of this chapter.

**Article (121): Determining the Compensation for Teaching and the Compensation of the Persons who run the Institute**

The compensation for teaching, correction, discussions and research is determined by a decision of the Minister of Justice based on the approval of the Institute's Board of Directors.

The compensation of part-time members of the board of directors shall be determined by a decree issued on the proposal of the Minister of Justice.

**Article (122): Resilience**

A judge who is a member of the Supreme Judicial Council or the Institute's Board of Directors shall not participate in any deliberations or vote on any decision related to candidates to enter the Institute of Judicial Courses or to apprentice judges, if there is a relationship between him and one of the candidates or trainee judges up to the fourth degree.

A judge who is between him and a candidate may not be appointed as a member of the interview committees or the examining committees, up to the fourth degree.

**Article (123): Institute Finance**

A budget is allocated to the Institute of Judicial Courses within the budget of the Ministry of Justice, which the institute shall present to the Minister according to his needs.

## **Chapter Five: Judicial Inspection**

### **Chapter One: General Provisions**

#### **Article (124): Definition**

The Judicial Inspection Authority is an independent body in its work under the supervision of the Minister of Justice. It shall over take:

- Work to control the proper functioning of the judiciary and the work of judges, clerks' employees and all other persons subject to its control.
- The disciplinary powers stipulated herein towards the persons subject to its control.
- Draw the attention of the concerned authorities to what they see as defects.
- Proposing to the Minister of Justice, the Supreme Judicial Council, or the Disciplinary Council to suspend a judge from work.
- Provide the necessary suggestions for the proper progress of work.
- Suggesting the Supreme Judicial Council to take the appropriate measure against any judge.
- Evaluating the work of the courts in terms of behaviour and making the necessary suggestions in this field.

The Authority is independent in the performance of its work and has the regulatory authority in its field of competence.

The Authority has an independent headquarters within the Palace of Justice in Beirut. It has offices in every justice palace in the governorates' centres to be used in its inspection visits. It shall have a Registry made up of judicial assistants, and the system of Registries is applied to them in judicial departments.

#### **Article (125): Scope of the Authority's Control**

The authority's power shall include judicial and administrative judges, judicial judges, accountants and auditors of the Audit Bureau, employees of the clerks' offices, judicial departments, central bodies and departments, and the General Directorate of the Ministry of Justice. Its scope includes the work of those carrying out work of a judicial capacity in all councils, bodies and committees, as well as notaries, forensic doctors, experts, bankruptcy agents and reserve composition monitors.

### **Second Section: Authority**

#### **Section one: Authority Formation**

#### **Article (126): Composition of the Judicial Inspection Authority**

The Judicial Inspection Board is composed of a chief, eight judicial inspectors general, a number of judicial inspectors, and a board consisting of the president and the inspectors general.

#### **Article (127): President and Members of the Judicial Inspection Authority**

The President of the Judicial Inspection Authority is assisted by a number of judges equal to three percent of the original working judges. The president is appointed from among the judicial judges of the sixteenth degree and above for a term of four years, non-renewable or extendable, by a decree issued by the Council of Ministers pursuant to the mechanism stipulated in Article (2) of this law.



- Six judicial inspectors general, appointed from among judicial judges of the twelfth degree and above.
- A judicial inspector general appointed from among the judges of the State Consultative Council of the twelfth degree and above.
- A judicial inspector general appointed from among the judges of the Court of Accounts of the twelfth degree and above.
- Judicial inspectors are appointed to complete the Judicial Inspection Panel from among the judicial judges of the tenth degree and above.
- The Inspectors General and the Inspectors are appointed by decree taken in the Council of Ministers for a term of four years, not renewable or extendable

It is a condition for the appointment of any of the members of the Commission not to have been sentenced to a disciplinary penalty, with the exception of penalties of warning and blame. The president and members of the commission are bound by professional secrecy. The president and members of the commission are free to work for it. They shall receive the compensation stipulated in Article (130) hereof for that purpose.

**Article (128): Oath**

The President of the Commission and its members take the following oath before the President of the Republic and in the presence of the Minister of Justice:

***"I swear by Almighty God to implement my duties in the Judicial Inspection Authority with all honesty and sincerity, to reserve the confidentiality of investigation and deliberation, and to strive in all my work to conduct the judiciary well, its integrity, and the reservation of its dignity and independence".***

**Article (129): The Principle of the Inadmissibility of Transferring the President and Members of the Commission**

Throughout their tenure and subject to Article (135) of this law, the President of the Commission and its members shall not be transferred from their offices except upon their written request, even if it is for promotion.

**Article (130): The System Applicable to the President and Members of the Commission**

The President of the Judicial Inspection Commission and its members, in all that does not conflict with the provisions of this chapter, shall apply the system of judicial judges and their salary series, and they shall enjoy their rights.

The President of the Commission shall receive a compensation of thirty percent in addition to his monthly salary, and all judges working in the commission shall receive a compensation of twenty percent in addition to their monthly salary.

**Section Two: The Chairman of the Authority**

**Article (131): Powers of the Chairman of the Commission**

The President of the Authority supervise all its work within the provisions of this law, and for this purpose exercises the administrative and financial powers entrusted to the minister by laws and regulations, with the exception of the constitutional powers.

Inviting the Authority to a meeting and setting its agenda.

Implementation of the annual inspection program as approved by the Authority.

Issuance of any special inspection costs.

Conducting an investigation into the disqualification of one of the original judges, pursuant to the procedures stipulated in Article (133) hereof.

Follow up on the disciplinary court procedures directly or through whomever he delegates from among the members of the authority, and take the decision to appeal any of the disciplinary decisions that are subject to appeal.

Referring employees of the third category and below to the Disciplinary Board and imposing first-degree penalties stipulated in the General Staff Regulations on them after hearing their defence.

When the office of the President becomes vacant or absent, his duties shall be assumed by the highest-ranking Inspector General, and when the most senior rank in the judiciary is equal, and when the oldest is of equal seniority, until the president returns to carrying out his duties or until a replacement is appointed.

### **Section Three: The Investigation and its Procedures**

#### **Article (132): Investigation Mechanism and Procedures**

The referral shall be made by anybody in relation to the work of its persons and subject to the control of the inspection body.

The notification shall be submitted by any person who becomes aware of any defect or act that requires the intervention of the Authority, provided that it is in writing and includes his full name, address and signature.

With the exception of the head of the commission, the person conducting the search shall be of a higher rank than the judge subject to inspection.

The head of the commission or whoever the commission's council delegates from among the inspectors general shall investigate the judges of the Court of Cassation and judges of the twelfth degree or above in the State Consultative Council and the Audit Bureau. The person concerned is invited to the investigation at least (72) hours before the date of the hearing, and he may review the content of the complaint, referral, or be informed before the investigation begins.

The commission's council, by virtue of a decision taken by a majority of seven of its members, may submit a proposal to the Supreme Judicial Council, the State Consultative Council office, or the Audit Bureau, each according to its competence, to declare the judge concerned incompetent.

#### **Article (133): Powers Relating to the Competence of a Judge**

The commission member charged with the investigation draws up a report on the outcome of his investigations and submits it to the commission's president with his suggestions. He may point out to those who dealt with the investigation the defect in the course of his work or send a warning to him outside of every disciplinary prosecution.

The head of the commission, with the assistance of the highest-ranking inspector general, investigates the extent to which any genuine judge is qualified, and submits a report on the outcome of the investigation to the commission's council, accompanied by his recommendations, after hearing concerned judge.

#### **Article (134): Composition of the Judicial Inspection Board**

The Board of the Authority consists of the Chairman of the Authority and the Inspectors General.

#### **Article (135): Powers of the Commission Council**

The authority's council has the following powers:

Approval of the annual inspection program.

- Preparing the annual report.
- Approving the commission's internal system or any subsequent amendment thereto.
- Examining complaints, referrals and reports, as well as any information related to his work, and taking a decision in their regard by absolute majority, otherwise

an investigation will be conducted through whomever he is assigned from among the members of the Commission.

- Issuing the decision to refer the persons subject to the authority's control to the competent disciplinary board and to suggest suspending them from work when necessary, pursuant to Article (102) hereof.
- Receiving complaints, referrals and information received against the head of the authority and taking a decision to keep them or investigate them pursuant to the provisions of the following clause. The Chairman of the Commission is not entitled to participate in the meetings of the Council related to this matter.
- Assigning the two highest-ranking members to investigate with the president of the commission, or with any of its members, based on a referral by the council. In this case, the two inspectors general submit a report on the results of their investigations to the commission's council with appropriate suggestions.

The speaker of the council or the member who is being investigated shall stop participating in the council's work until the investigations are completed and a decision is issued by the council in their regard, provided that the results of those investigations are issued within a maximum period of one month.

- Referring the head of the commission or the member to the disciplinary council of the head of the judicial inspection body and its members, based on a decision taken by a majority of six of its members.

The trial of the head of the commission and its members shall take place before a special disciplinary council composed of the general body of the Court of Cassation pursuant to the rules of the judiciary. The work of the chairperson or member within the authority shall inevitably cease as soon as he is referred to the disciplinary board.

- Referring employees of the third category and below, with the approval of one-third of the votes, to the Disciplinary Council and imposing first-degree penalties stipulated in the General Staff Regulations on them after hearing their defence.

#### **Article (136): Convening of the Commission's Council**

The meetings of the commission's council are held at the invitation of the commission's president or at the request of three of its members. The meeting of the Council shall not be legal unless attended by the absolute majority of its members. In the event of a loss of quorum due to a vacancy, the higher-ranking inspector shall participate in the formation of the council, ipso facto and temporarily, until the vacancy is filled.

Decisions are taken by a majority of votes, and in the event of a tie, the vote of the Chairman shall be casting. Each member may request that his dissenting opinion be recorded regarding the decisions taken by the Council.

### **Chapter Three: The Authority's Resources and Working Mechanisms**

#### **Article (137): Human and Material Potential of the Authority**

The staffing of the Authority's employees is determined by a decree issued by the Council of Ministers based on the proposal of the Minister of Justice and after the approval of the Judicial Inspection Board, within three months of the publication of this law, and the staffing is modified according to the same mechanism.

The commission shall have its own budget, and the appropriations allocated to it shall be recorded in the state's general budget under a chapter entitled "The Judicial Inspection Commission's budget" within the budget of the Ministry of Justice.

**Article (138): The Commission's Bylaws**

The Commission's Council shall set the internal system or any amendment to it by a two-thirds majority, in a manner that does not conflict with the provisions of this law, and its provisions are not considered binding except after the approval of the Minister of Justice.

The bylaw defines the principles of the Authority's work and how to organize its work. The Authority's bylaws shall be published on its website and in the Official Gazette.

**Article (139): The procedural powers of the Commission**

The head of the commission and its members exercise their powers to take the procedures required by the investigation to carry out their duties, and they have access to all documents, files and records and listen to whomever they deem necessary, and summoned by the Public Prosecution when necessary. Contrary to any other public or private legal provision, the Commission's Board may request the Public Prosecutor at the Court of Cassation to lift banking secrecy on the bank accounts of any of the persons subject to its control, or on the accounts of any of his relatives up to the second degree. The Board of the Authority shall inform the Public Prosecution at the Court of Cassation of any illegal funds revealed by the investigations conducted before the Authority.

**Article (140): Penalty for a Violation of Cooperating with the Authority**

Whoever undertakes an action or refrains from an action that would obstruct or mislead the work of the authority or conceal information about it shall be punished by imprisonment from one month to one year and a fine between two and five times the minimum wage.

**Article (141): Confidentiality of the Investigation**

It may not publish, announce or disclose any information related to the investigation and disciplinary prosecution, except for the final decision if it includes the penalty of dismissal or removal. Anyone who violates the provisions of this article shall be liable to the penalties stipulated in Article (140) of this law.

## **Chapter Six: Judicial Assessment**

**Article (142): Definition and Composition of the Judicial Assessment Body**

The Judicial Assessment Commission is an independent body in its work under the supervision of the Supreme Judicial Council, and it consists of a president and eight members. The president is appointed from among the judicial judges of the sixteenth degree and above for a term of three years, renewable once, by a decree taken in the Council of Ministers in accordance with the mechanism stipulated in Article (2) of this law, seven judges, appointed from among the judicial judges of the twelfth degree and so on. Above, a judge appointed from among the judges of the State Council of the twelfth degree and above.

The members of the Commission are appointed by decree based on a proposal by the Minister of Justice, after taking the opinion of the Supreme Judicial Council and the opinion of the State Consultative Council office with regard to the administrative judge, for a term of three years, renewable once. The Commission shall have a Registry made up of judicial assistants, and the Registry system is applied to them in the judicial departments.

**Article (143): Powers of the Assessment Body**

The evaluation authority is responsible for:

- Conducting periodic evaluation visits.

- Evaluating the workflow of the courts and the departments under their control and issuing the necessary recommendations to raise the level of their performance and increase its effectiveness.
- Evaluating the work of judges and courts and making the necessary suggestions and recommendations in this field.
- Draw the attention of the concerned authorities to what they see as defects in the work of the courts.
- Provide the necessary suggestions for the proper progress of work.

**Article (144): Regulations for Calibration of Judicial Files**

The head of the Judicial Assessment Commission assigns, from among the members of the commission, a scientific committee for a period of two years, renewable once. In selecting the members of the committee, the diversity of grades is taken into consideration, so that the committee must include judges from among the highest and lowest degrees.

The Scientific Committee meets at the invitation of the head of the Judicial Assessment Authority whenever necessary, and at least once a month. At least a week before the end of the judicial recess, the scientific committee sets the list of the weight of judicial files and the plan for the next year in distributing the files, and suggests the number of units that the judge shall complete in each chapter, and submit it to the Supreme Judicial Council through the head of the evaluation body for discussion and approval, as it is or modified.

The plan shall include a schedule for each type of work noted in the work allocation decision. In each table, the files are qualitatively categorized and each file is given a value called the judicial unit. The head of the judicial department may not exceed the specified number when distributing files to any judge.

The judges who are members of the Committee shall receive compensation for their work, which shall be determined by decree based on a proposal by the Minister of Justice based on the opinion of the Supreme Judicial Council.

**Article (145): The Mechanism of Work of the Assessment Body**

With respect to the implementation of its tasks stipulated in Article 143, the evaluation body shall:

- Execution of practical and technical studies on everything related to the public service of justice and collecting statistics on courts and judicial departments and their employees.
- Conducting periodic visits to the courts and judicial departments in implementation of the annual program of the authority, or conducting extraordinary visits based on a special assignment from the president of the authority.
- Develop practical suggestions and recommendations for courts, judicial departments, and departments under the authority of the authority, to improve the public facility of justice, which are submitted by the head of the authority to the Supreme Judicial Council.

The Registries of the Judicial Departments are electronically linked to the Registry of the Commission.

The evaluation body may request its head to seek assistance or contract with specialists to assist it in its work. They are then subject to the provisions of Articles (159) and (160) hereof. The commission draws up an annual report on the results of its work and submits, through its

president, a copy to the Minister of Justice and another to the Supreme Judicial Council, including statistics, proposals and recommendations for improving the workflow.

**Article (146): Principles of Judicial Performance Appraisal**

The judicial evaluation process is based on an impartial and objective evaluation tool that is based on integrated performance standards that are managed and supervised by the Assessment Authority, and are put annually at the disposal of the Supreme Judicial Council to act upon and consult with.

The evaluation body considers all aspects that constitute a good judicial performance, in particular legal knowledge, communication skills, diligence, competence and integrity.

The evaluation is based on reliable sources of information and sufficient evidence, and the evaluating judge shall have immediate access to and challenge any evidence prepared for use in the evaluation. The individual evaluation of judges remains entirely separate from the inspection that evaluates the work of the Court as a whole. However, facts discovered during a court inspection may be taken into account in the judge's individual assessment.

**Article (147): Assessment Criteria**

Each judge is evaluated based on thirteen performance criteria as follows:

- 1- Independence.
- 2- Integrity.
- 3- Neutrality.
- 4- Personality, which looks at balance, appearance and behaviour.
- 5- Literary courage.
- 6- Productivity and looks at the volume and quality of judicial work done.
- 7- Commitment and attendance at the work centre.
- 8- Efficiency and degree of educational attainment.
- 9- Administrative Capabilities.
- 10- The ability to mediate between the parties.
- 11- Professional specialization.
- 12- The ability to communicate and cooperate with partners, whether they are judges, lawyers or legal assistants.
- 13- Scientific and research activities and publications.

The first evaluation body, within a period of three months from the date of assuming its duties, is considered a definition and weight for each of the criteria listed above, approved by an absolute majority of the number of members, and the definitions and weights are not modified except with the approval of the commission's council and the Supreme Judicial Council based on the opinion of the absolute majority of the members of the commission.

**Article (148): Assessment Mechanism and Scorecard**

The evaluation body shall develop a performance evaluation card for each judge documented by samples of the judicial work of the concerned judge. The Supreme Judicial Council adopts a points-making system in assigning the judicial position to each judge, documenting samples

of the judicial work of the judge in question. The Supreme Judicial Council adopts a points system in assigning the judicial position to each nominated judge.

Each judge sees his scorecard, and he may request its amendment from the evaluation body within a week from the date of his notification, under penalty of being considered as agreeing with the result of his evaluation.

The assigned points are collected according to the criteria specified in Article (147) hereof, and the judges nominated for the judicial position are evaluated based on their results. In the event that the candidates are equal in the number of points, the selection is made by voting by the commission by a majority of its members.

All formations and judicial transfers stipulated in this law shall take into account the results of the evaluation and the cards referred to in this article.

#### **Article (149): Annual Report**

Before the start of each judicial year, the commission shall prepare a report on the work of the previous year, including its recommendations for improving the workflow in the judiciary.

The aforementioned report shall be published on the authority's website, and a copy of it is notified to the Minister of Justice and the Supreme Judicial Council.

### **Chapter Seven: Judicial Assistants**

#### **Article (150): Legal Assistants**

Judicial assistants are the heads of registries, clerks, line managers, technical administrators and assistants and the clerks of judicial departments. Their number, categories, series of grades, and salaries are determined in tables to be drawn up by decrees taken in the Council of Ministers based on the proposal of the Minister of Justice and after consulting the opinion of the Supreme Judicial Council and the Judicial Inspection and Assessment Bodies.

#### **Article (151): The Role of Legal Assistants**

Judicial assistants undertake the registry tasks stipulated in the law and all other tasks required by the workflow in the judicial departments and in the central administration in the Ministry of Justice.

#### **Article (152): Administrative Powers of the Registrar**

The head of the Registry shall exercise the powers of the head of the department in public administrations towards the staff of the Registry.

#### **Article (153): Submission of Administrative Assistants to the Civil Service Council**

Subject to the provisions of this law, judicial assistants shall remain subject to the Civil Service Council.

#### **Article (154): Selection of Legal Assistants**

Judicial assistants are selected as a result of a contest conducted by the Civil Service Council in accordance with the regulations in force in this Council; conditioned that the Civil Service Council sets the contest system jointly with the Ministry of Justice, which delegates a judicial or administrative judge by a decision of the Minister of Justice after consulting the Supreme Judicial Council or the State Consultative Council according to adverb.

#### **Article (155): Terms of Participation in the Contest**

In addition to the general conditions stipulated in the personnel system, the applicant for the match is required to meet the conditions specific to each job according to the following:

**Controller:** High school diploma or its equivalent.

**Technical Administrator:** high school diploma or its equivalent, and holder of a training certificate in archiving or informatics.

**Writer:** Bachelor's in Lebanese Law.

**Registrar:** A license in Lebanese law, and in this case he must have had seven years of actual practice as a clerk.

Successful candidates in the competition are appointed by a decree taken on the proposal of the Minister of Justice after approval by the Civil Service Council.

After their appointment, judicial assistants shall undergo a training course the conditions of which are set by the Institute of Judicial Courses and assigned to conduct it.

**Article (156): Special Provisions for Heads of Registrars Designated**

Judicial and administrative assistants who perform the functions of a registrar or department head for a period of five years prior to the issuance of this law shall be proven to be a genuine registrar, while preserving their right to increment according to seniority, provided that they meet, at least, the following appointment conditions, contrary to any other text.

A- They shall hold a recognized university degree.

b- That they have exercised the office of chief clerk for at least five years, or that they have exercised the position of clerk for at least ten years.

**Article (157): Transfer of Legal Assistants**

Judicial assistants who are in the third category are transferred from one centre to another by a decision of the Minister of Justice after consulting the opinion of the judicial inspection and evaluation bodies. All judicial assistants from the fourth and fifth categories are transferred from one center to another by a decision from the Director General of the Ministry of Justice after consulting the opinion of the Supreme Judicial Council and the judicial inspection and evaluation bodies.

**Article (158): Disciplinary Council for Legal Assistants**

A special disciplinary council for judicial assistants shall be established, as follows:

A- A judge of at least eleventh degree,

"President"

B- An employee of the second or third category in the central administration of the Ministry of Justice, "Member"

C- Head of the Registry, "Member"

The head of the disciplinary council and its members are appointed by a decree taken based on the proposal of the Minister of Justice and after the approval of the Supreme Judicial Council for a period of three years, non-renewable.

The same decree appoints an alternate for both the chairperson and the two members.

The job of a government commissioner to the Council is performed by a member of the Judicial Inspection Authority, who is delegated by the head of this body. In this capacity, it represents the general right to hold judicial assistants accountable.

Decisions of the Disciplinary Council are taken by majority and are subject to review before the State Consultative Council.

**Article (159): Rules of Procedure before the Disciplinary Council**

The Disciplinary Council shall apply the procedures of trials stipulated in the system of the Supreme Disciplinary Authority, unless they conflict with the provisions of this law.

The Disciplinary Board shall impose the penalties stipulated in the General Staff Regulations.

**Article (160): Referral to the Disciplinary Council**

The judicial assistant is referred to the Disciplinary Council by a decision of the Judicial Inspection Authority or by a decision of the first president of the Court of Appeal to which he belongs, or by a decision of the first president of the Court of Cassation for judicial assistants working in the Court of Cassation.



**Article (161): Law of Legal Assistants**

The system of public servants shall be applied to judicial assistants in all that does not conflict with the provisions of this law, and they shall be subject to judicial inspection.

**Article (162): Direct Transfer Compensation**

Those responsible for reporting are given relocation compensation, the conditions and amount of which are determined by a decree issued upon the proposal of the Minister of Justice. The assignment shall be carried out by the head of the department of the direct subordinate to it.

**Article (163): The Hijab**

Hijabs who work in the judicial departments and the central administration of the Ministry of Justice are subject to the general personnel system. They are subject to judicial inspection.

**Article (164): Cooperative Fund for Legal Aides**

The judicial assistants' aid fund shall be replaced by a cooperative fund for judicial assistants whose purpose is to secure grants and social benefits, to which the funds collected under Article 15 of the 1948 budget amended by Article (31) of the 1951 Budget Law shall be transferred and frozen in a special account with the treasury since the effective date of Decree No. 8914 dated 19/ 12/ 1967. This fund is regulated by a decree issued on the proposal of the Minister of Justice. No acquired right shall arise for anyone prior to the issuance of this decree. Twenty percent of the fines collected in judicial rulings shall be deducted to feed this fund, and twenty percent of the same fines shall be deducted to feed the Judges Mutual Fund.

**Final Provisions**

**Article (165): Applicability of the Staff Regulations to Judges**

Staff regulations shall be applied to judges in all that does not conflict with the provisions of this law or with the principles of judicial independence.

**Article (166): Calculation of Appointment Scores**

When calculating the grades for appointment to any of the positions in accordance with the provisions of this law, grades resulting from the years of actual service shall be considered exclusively.

**Article (167): End of the Term of the Current Council**

The term of office of the legal members specified under Article (2) of this Law shall be effective from the date of its publication.

As for non-judgmental members, this law shall apply to them upon its publication.

**Article (168): Repeal of the Violating Provisions**

Legislative Decree No. 150/83 issued on September 16, 1983, and all legal provisions contrary to or inconsistent with the provisions of this law shall be repealed.

**Article (169): Law Enforcement**

This law shall be effective immediately upon its publication in the Official Gazette.