

**Law No. (6) of 1374 FDP
on the justice system**

The General People's Congress

In implementation of the resolutions of the Basic People's Congresses in their annual general session of 1373 FDP;

And upon review of:

- The Declaration on the Establishment of the Authority of the People;
- The Great Green Charter of Human Rights of the Jamahiriyan Era;
- Law No. (20) of 1991 on the promotion of freedom;
- The Code of Civil and Commercial Procedure;
- The Penal Code;
- The Code of Criminal Procedure;
- Law No. (87) of 1971 on the State Cases Authority;
- Law No. (88) of 1971 on the administrative judiciary;
- The Justice System Law, issued in Law No. (51) of 1976;
- The Civil Service Code, issued in No. (55) of 1976;
- Law No. (13) of 1980 on social security;
- Law No. (4) of 1981 establishing the Department of People's Legal Defence;
- Law No. (15) of 1981 on the system of salaries for national workers in the Socialist People's Libyan Arab Jamahiriya;
- Law No. (6) of 1982 on the reorganization of the Supreme Court, and the amendments thereof;
- Law No. (6) of 1992 establishing the Law Department;

issued the following law:

**Part (1)
General Provisions**

**Article (1)
Definitions**

The intended meaning of the following words and phrases when they appear in this law shall be as indicated next to them below, unless the context indicates otherwise:

1. The Council: The Supreme Council of Judicial Bodies.
2. The President of the Council: The President of the Supreme Council of Judicial Bodies.
3. The Secretary: The Secretary of the General People's Committee for Justice.
4. Judicial Body: The Judicial Inspection Department / the courts / the Public Prosecution / the Department of Cases / the Department of People's Legal Defence / the Law Department.
5. Judicial body head: The Prosecutor General / heads of the judicial body department / the presidents of courts / advocate-generals / chief prosecutors.

Article (2)

The provisions of this law shall apply to judicial bodies. These judicial bodies shall exercise their competences in accordance with the laws regulating each of them and in accordance with the provisions of this law.

Part (2)

The Supreme Council of Judicial Bodies

Article (3)

The Supreme Council of Judicial Bodies shall have the following composition:

1. The Secretary of the General People's Committee for Justice, as president.
2. The President of the Supreme Court, as Vice President.
3. The Prosecutor General as member.
4. The Undersecretary as member.
5. The head of the Judicial Inspection Department as member.
6. The most senior of the presidents of the courts of appeal as member.
7. The head of the Department of Cases as member.
8. The head of the Department of People's Legal Defence shall be a member.
9. The head of the Law Department shall be a member.

If the President of the Council and the vice president are not in attendance, the Council shall be presided over by the member who follows them according to the above order.

Article (4)

The Council shall meet based on an invitation from its President or vice president, or based on a request by one-third of its members. The Council shall not be considered to be properly convened unless a majority of its members are in attendance. The Council's resolutions and recommendations are to be issued by a majority vote of those in attendance; when a vote results in a tie, the side with which the President voted shall prevail.

The Council shall determine the procedures by which it shall exercise its competences by issuing a set of bylaws.

Article (5)

The Council shall be responsible for overseeing judicial affairs and for exercising all competences related to the professional affairs of the members of judicial bodies, in the manner set out in this law.

The Council shall also be responsible for the following matters:

1. Providing opinions in all matters related to judicial bodies, and studying and proposing legislation related to judicial systems.
2. Ratifying the provisions which are legally subject to ratification.
3. Issuing full or partial pardons for penalties.
4. Other competences as stipulated in this law or other laws.

Article (6)

The Council shall be the sole body responsible for adjudicating requests submitted by members of judicial bodies on the following matters:

1. The cancellation of final administrative decisions related to any professional matters of members of judicial bodies, which originally fall under the jurisdiction of the administrative judiciary, as well as requests for any resulting compensation.
2. Disputes regarding the salaries, pensions, and bonuses due to members of judicial bodies or to their heirs.

Decisions taken by the Council on such matters shall be final and shall not be subject to any form of appeal before any other body.

Article (7)

The requests referred to in the previous article shall be submitted via a petition which shall be deposited with the Secretariat of the Council, and which shall include the information regarding the names, capacities, and residences of the litigants and a sufficient statement of the matter of the request.

The petitioner must deposit along with the petition a portfolio of the supporting documents for the request. No fees shall be collected for such requests.

Article (8)

The President of the Council or his representative shall appoint one of the members of the Council to prepare the case for pleading. The President shall issue the necessary decisions in this regard.

The Secretariat of the Council shall notify the litigants with a copy of the petition and instruct them to attend the session that is set to prepare the case.

After the case is prepared, the appointed member shall present the documents to the President of the Council, or his representative, to set the date for a session for the case to be heard by the Council.

The Council shall adjudicate on the request after the member appointed to prepare the case reads a report setting out the reasons for the request, the response thereto, and the points of contention disputed by the litigants, without opining on them, and after the Council hears the statements of the parties.

Preparation of the case and settlement thereof shall be conducted in a prompt manner.

Article (9)

The petitioner shall conduct all procedures before the Council himself. He may present his defence in writing and be represented in all of this by a member of judicial bodies.

Article (10)

Cancellation requests must be submitted within thirty days of the date of issuance of the decision under appeal or of the date on which the concerned person was notified thereof.

Part (3)
The Courts

Chapter (1)
Order of the Courts

Article (11)

The courts shall comprise:

1. The Supreme Court.
2. The Courts of Appeal.
3. The First Instance Courts.
4. The Summary Courts.

All of these courts shall be responsible for hearing the matters brought before them in accordance with the law.

Article (12)
The Supreme Court

The Supreme Court shall be organised and its jurisdiction determined in a separate law.

Article (13)
The Courts of Appeal

The Courts of Appeal shall be established, their locations determined and their jurisdiction determined by a decree issued by the Council, based on a proposal made by the President of the Council.

Each court of appeal shall be composed of a president and a sufficient number of counsellors, who may include anyone holding the grade of deputy judge or court president. Rulings shall be issued by three counsellors.

Article (14)

Within each court of appeal, one or more circuits shall be formed to hear criminal cases. Every such circuit shall be composed of three counsellors.

A criminal circuit shall be convened in each city where there is a court of first instance, and its jurisdiction shall encompass the jurisdiction of the court of first instance.

Article (15)

Within each court of appeal, one or more circuits of the administrative judiciary shall be formed. Every such circuit shall be composed of three counsellors. The sessions of these circuits shall be attended by a member of the Public Prosecution whose grade is not lower than that of district prosecutor.

Article (16)

The Courts of First Instance

The courts of first instance shall be established, their locations determined, and their jurisdictions determined by a decree issued by the Council, based on a proposal made by the President of the Council.

Each court of first instance shall be composed of a president and a sufficient number of judges, who may include anyone who holds the grade of deputy judge or court president.

When the court is convened as an appellate body, rulings shall be issued by three judges, the grade of two of whom may not be lower than a first-grade judge. In other circumstances, decisions shall be issued by three judges, the grade of one of whom may not be lower than a first-grade judge.

Article (17)

The Summary Courts

Within the jurisdiction of each court of first instance, summary courts shall be established. These summary courts shall be established, their locations determined, and their jurisdictions determined by a decree issued by the Council, based on a proposal made by the President of the Council.

Rulings of summary courts shall be issued by one judge.

Article (18)

Court sessions shall be convened in their locations.

The courts may convene their sessions in any other place, whether within or outside their jurisdictions, by a decision issued by the President of the Council based on a request from the president of the concerned court.

Article (19)

Specialised Courts

By a decree issued by the Council based on a proposal by its President, appellate, first instance, and summary courts may be established to hear particular types of cases. This decree shall determine the locations of these courts and define their jurisdictions and the types of cases that they shall be responsible for hearing.

Chapter Two

Mandate of the Courts

Article (20)

The courts shall be responsible for adjudicating all disputes and crimes. The courts shall not review acts of sovereignty.

Article (21)

Without prejudice to notariation laws, courts shall have jurisdiction to verify arguments and testimonies of all kinds, notarise instruments, authenticate signatures of relevant persons

contained in acts under private signature, certify the date of such acts, and investigate death and inheritance.

Marriage officiants may act on behalf of the court in to notify and authenticate marriage contracts.

A decision shall be issued by the Secretary to determine the conditions in which the courts and marriage officiants shall exercise these competences, set the required fees, and establish how marriage officiants shall be appointed and their professional treatment.

Chapter (3) **Conflict of Jurisdiction**

Article (22)

If a dispute arises within a case raised before the courts that requires adjudication under the mandate of a different judicial entity, these courts – if they consider it necessary to settle the dispute prior to reaching a judgment on the matter of the original case – shall suspend the case and set a date by which the concerned party in the dispute should obtain a final ruling from the relevant entity. If the courts do not consider that this is necessary, or if the concerned party fails to obtain the final ruling within the established time limit, the court shall rule on the case.

Article (23)

The Supreme Court shall appoint the court competent to adjudicate a case regarding a single matter raised simultaneously before the courts and before another judicial entity if one of the two does not waive their jurisdiction over the case, or if both waive their jurisdiction over the case. The Supreme Court shall be responsible for settling conflicts arising from the implementation of two contradictory final rulings.

Article (24)

Motions to settle a conflict of jurisdiction shall be brought before the Supreme Court in the cases stipulated in the law organizing the Supreme Court by a petition signed by a lawyer, filed with the court registrar, and including the information regarding the names, capacities, and residences of the parties and the subject of the petition and sufficient statement of the case over which the conflict of jurisdiction arose, over which jurisdiction was waived, or in which two contradictory rulings were issued.

The petitioner must submit along with the petition copies thereof equivalent to the number of litigants, along with a portfolio of supporting documents for his petition and his defence memorandum.

The court registrar shall provide the litigants with a copy of the petition and order them to attend the hearing set to hear the case. No fees shall be required for such a motion.

Submitting the motion shall result in suspension of the case in question. The court shall rule on the petition promptly, after hearing the statements of the cassation prosecution.

Chapter (4)

Order of Hearings

Article (25)

Court sessions shall be public, unless the court orders that a session be closed in order to maintain public order or out of consideration for morals or the sanctity of the family.

In all cases, the verdict shall be pronounced in a public session.

The president of the court shall be responsible for presiding over the session and maintaining order.

Article (26)

The language of the courts shall be the Arabic language. The courts shall hear the statements of litigants or witnesses who do not speak Arabic by use of a sworn interpreter.

Article (27)

No one shall represent the litigants except lawyers accredited before the courts or whomever the litigants may delegate to represent them in accordance with the law.

Chapter (5)

Issuance and Execution of Rulings

Article (28)

Rulings shall be issued and executed in the name of the people.

The Public Prosecution, bailiffs, and others authorised by law shall execute rulings. Implementation shall occur in accordance with the stipulations of the Code of Criminal Procedure or the Code of Civil and Commercial Procedure, and other laws supplementary thereto.

Execution may only be carried out based on an official copy of the ruling or instrument accompanied by a writ of execution, except in cases when the law stipulates otherwise.

Article (29)

The writ of execution for rulings issued in civil and commercial cases and in personal status cases shall consist of the following text:

“In the name of the people, bailiffs and other personnel who are requested to execute this order shall execute it, and the Public Prosecution shall help them. Public security forces shall also assist them to execute the order using coercive force when their help and assistance are requested legally”.

Chapter (6)

General Assemblies of Courts

Article (30)

All courts of appeal and all first instance courts shall gather in the form of a general assembly to consider the following:

1. The formation of the necessary circuits.
2. The distribution of work between the various circuits.
3. The number of sessions and the dates and times of their convening.
4. Other issues relating to the system of work of the courts and their internal matters.
5. Other matters as stipulated by law.

The general assembly may delegate the president of the court to undertake some of the tasks that fall under its competences.

Article (31)

The general assembly of each court shall be comprised of all of the counsellors or judges who work therein. The Public Prosecution, the Department of Cases, and the Department of People's Legal Defence shall be invited thereto, but their opinions shall not be counted for voting purposes.

Article (32)

The general assembly shall convene by invitation of the president of the court or by his substitute, or based on a reasoned request by three members.

The assembly shall not be considered valid unless attended by more than half of its members. If a quorum is not reached, members shall be invited to convene for another session within one week of the original meeting. In this case, the session shall be considered valid if it is attended by at least one-third of its members.

Article (33)

Decisions of the general assembly shall be issued by an absolute majority of the members in attendance. If the event of a tie, the side with which the president voted shall prevail.

Article (34)

The general assembly shall notify the President of the Council of its decisions. Within fifteen days of the date of notification, the President may request that the assembly reconsider any points of which he does not approve. If the assembly maintains its opinion, the matter shall be presented to the Council to issue a decision as it sees fit; this decision shall not be subject to appeal.

Article (35)

The minutes of the general assembly shall be recorded in a register for this purpose. The President and the Secretary shall sign these minutes.

Article (36)

The Secretary and the Judicial Body Inspection Department shall have the right to conduct administrative oversight over all courts. The president and general assembly of each court shall have the right to oversee the counsellors or judges of the court.

Chapter (7)

Management of the Courts' Funds

Article (37)

Fees, deposits, fines, guarantees, and other payments shall be collected and retained in accordance with the provisions of the prescribed laws and regulations. A treasury shall be established in every court under the supervision of the president of the court, and all money paid to the court shall be deposited in this treasury. The treasury shall be entrusted to the most senior clerk or to the person delegated for this purpose.

Authorisation to disburse the funds of each court shall be granted by the president of the court or whomever acts in his stead, according to the circumstances.

The Secretary and the Public Prosecution shall oversee the administration of the movements of such funds and deposits and may inspect them at any time.

Part (4) Public Prosecution

Article (38)

The Public Prosecution shall exercise the competences vested in it by the law. The Prosecutor General shall undertake the function of the Public Prosecution with the assistance of a sufficient number of members.

Every court of appeal shall have an advocate-general, under the supervision of the Prosecutor General, whose powers and competences shall be as stipulated in the laws.

Any person who takes on the duties of the Prosecutor General must meet the same conditions as are required to be appointed as a counsellor on the Supreme Court, and he shall have all of the rights and guarantees prescribed for a counsellor of the Supreme Court.

If the Prosecutor General is absent, his post is vacant, or he is unable to carry out his functions, he shall be replaced in the exercise of all his powers by the most senior, followed by the next most senior advocate-general, then chief prosecutor in the absence of an advocate-general.

Article (39)

1. Determining the locations in which Public Prosecution members work, as well as transferring these members and delegating them to work in any entity other than the first instance prosecution to which they belong, shall occur by a decision of the President of the Council, based on a recommendation from the Prosecutor General.
2. The Prosecutor General shall have the right to transfer members of the Public Prosecution within the district of the prosecution in which they have been appointed. He shall have the right to delegate them to work outside of this district for a period of not more than three months. This period shall be renewable.
3. The chief prosecutor within the district of the First Instance Prosecution shall have the right to delegate a member to undertake the work of another member.
4. If the position of chief prosecutor is vacant, or if the chief prosecutor is absent or if he is unable to perform his functions, he shall be replaced in the exercise of his powers by the

most senior public prosecutor in the First Instance Prosecution. In the absence of public prosecutors, the Prosecutor General may delegate a district prosecutor to undertake the work of the chief prosecutor for a period of six months. This period may be renewed for additional periods by a decision from the President of the Council at the proposal of the Prosecutor General. The delegated member shall enjoy all of the competences vested in the chief prosecutor by law.

Article (40)

An appellate prosecution shall be established in the jurisdiction of each court of appeal.

A first instance prosecution shall be established in the jurisdiction of each first instance court, and a summary prosecution shall be established in the jurisdiction of each summary court.

A prosecution may be established to carry out investigations and to initiate and conduct cases in the jurisdiction of each of the courts set out in Article (19) of this law.

Prosecutions shall be established and their jurisdictions determined by a decree issued by the Council, based on a proposal made by the President of the Council.

Article (41)

Judicial police officers shall be subordinate to the Public Prosecution as relates to the duties of their positions.

Article (42)

Without prejudice to the provisions set out in the Code of Criminal Procedure, the Public Prosecution shall oversee reform and rehabilitation institutions and other places in which judicial orders and rulings are executed. The Prosecutor General shall inform the Secretary of observations made by the Public Prosecution in this regard.

Part (5)

Members of Judicial Bodies

Chapter (1)

Appointment, Seniority, and Promotion

Article (43)

Anyone appointed to a judicial body must meet the following conditions:

1. He must enjoy full capacity and hold the nationality of the Great Socialist People's Libyan Arab Jamahiriya.
2. He must have obtained a university degree in Islamic Sharia or law from a college of the Great Jamahiriya, or hold an equivalent foreign diploma. In the latter case, the appointee must pass an examination organised as per a decision issued by the Secretary.
3. The appointee must successfully complete the qualifying program held by the Judicial Institute.
4. He must be commendable and of good reputation.
5. He must not have been found guilty of a felony or misdemeanour involving moral turpitude or dishonesty, even if he has been rehabilitated.

6. He must not have been dismissed or transferred to a non-judicial position by a disciplinary board.
7. He must be medically fit and must suffer from any handicap that prevents him from performing his duties to the fullest extent, in accordance with the conditions and regulations issued by a decree of the Council.
8. For the position of counsellor, the appointee must not be less than forty years old. For the position of judge, the appointee must not be less than thirty years old. For all other members of judicial bodies, the appointee must not be less than twenty-one years old.
9. He must not be married to a non-Arab woman. This condition may be waived by a decree issued by the Council.

Article (44)

Appointment to positions of third-grade judge shall be by selection from among those who hold the position of assistant prosecutor or equivalent positions in other judicial bodies, and who have fulfilled the conditions for promotion.

Others shall be appointed to positions in judicial bodies at the lowest grade set forth in the table attached to this law.

Notwithstanding the provision of the previous paragraph, candidates with previous experience may be appointed to positions higher than the lowest grade. The Council shall issue a decree determining the required type and length of experience and the grade to which such persons may be appointed.

Article (45)

Appointments, promotions, and transfers of members of judicial bodies shall take place once per year, during the judicial recess. When necessary, additional appointments may be made at any time.

Article (46)

Seniority of the members of judicial bodies shall be determined by the date of their appointment or promotion, as long as the decree by which they were appointed or promoted does not specify that another date should be used for seniority purposes, with approval of the Council.

If two or more individuals were appointed or promoted by a single decree, seniority shall be determined according to the order in which these individuals are mentioned. If the appointment is being made for the first time, the most qualified individual shall be granted seniority. If two or more individuals hold the same qualifications, seniority shall be granted to the individual who graduated earliest, then to the individual who received highest grades, then to the oldest individual.

Members of judicial bodies shall be listed on a single seniority roll.

Article (47)

Promotion of members of judicial bodies to the grade of counsellor, or to grades equivalent to or lower than that of counsellor, shall be made according to seniority and with consideration

given to competence. Promotion to grades above that of counsellor shall be made according to seniority. Promotions shall only be made to the grade directly above the grade promoted from.

Article (48)

The Judicial Body Inspection Department shall prepare a draft law for promotions based on the reports it has prepared about the members of judicial bodies, for the grade of president of first instance court or equivalent and below. This draft law for promotions shall be considered in accordance with this law.

Article (49)

Members of judicial bodies shall be appointed and promoted through decrees issued by the Council, based on a proposal made by the Judicial Body Inspection Department.

Chapter (2)

Transfer, Delegation, and Secondment

Article (50)

Members of judicial bodies may only be transferred, delegated or seconded in the cases and manner stipulated in this law.

Article (51)

The transfer of members of judicial bodies from one body to another shall occur by a decree issued by the Council based on a proposal of the Judicial Body Inspection Department. Decrees issued by the Council on such matters shall not be subject to appeal.

The transfer of members of judicial bodies within one body shall occur by a decision issued by the President of the Council, based on a proposal from the head of that body.

Article (52)

A member of a judicial body may be transferred to a non-judicial position equivalent in grade to that of his judicial position, based on a request from the member, by a decision issued by the Secretary, if the transfer is to a position within the justice sector. If the transfer is to a position outside of the sector, it shall occur by a decision issued by the body to which the member is to be transferred.

A decree from the General People's Committee shall be issued concerning the equivalence of judicial position grades with those of non-judicial positions. If the salary of the position to which the member is transferred is less than that of the judicial position originally held, the member shall personally retain the higher salary, until the higher salary he retains is reached by his future entitlements in terms of annual raises for promotion.

Article (53)

When necessary, a counsellor of the courts of appeal or a judge of the first instance courts may be delegated to work in a different court for a period of not more than one year. This period shall not be renewable.

Members of judicial bodies may be delegated to work in another judicial body, either full-time or in addition to their original duties, provided that this does not conflict with their original work.

In all cases, the delegation shall occur by a decree issued by the Council, based on a proposal by the head of the Judicial Body Inspection Department.

Article (54)

By a decree issued by the Council, a counsellor of the courts of appeal may be delegated to preside over a first instance court for a period of not more than three years. This period shall not be renewable.

Article (55)

If the position of head of a judicial body is vacant, or if the head is absent or unable to perform his functions, the most senior member of the judicial body, according to the circumstances, shall exercise the powers of this position.

Article (56)

By a decree issued by the President of the Council, members of judicial bodies may be temporarily delegated to work full-time within the state or in an entity subordinate thereto or owned by the state, and to undertake legal or judicial duties, as does not conflict with the duties of their positions, for a period of not more than four years.

Members of judicial bodies delegated to the entities mentioned in the previous paragraph shall normalise their status according to the stipulations of this article within one year of the date on which this law enters into effect. Otherwise, they will be considered to have been transferred to the entities in which they are currently delegated by force of law.

Article (57)

By a decree issued by the Council, members of judicial bodies may be seconded to a non-national entity, for a period not exceeding four years, to undertake legal or judicial duties as do not conflict with the duties of their positions, and provided that the member of the judicial body confirms in writing that he accepts the secondment.

Article (58)

By a decree issued by the Council, members of judicial bodies may be delegated to serve as arbitrators on behalf of the state or an entity subordinate to or owned by the state, whenever the state or one of these entities is party to a conflict to be settled through arbitration. In such case, the Council shall determine the remuneration to be paid to the member of the judicial body. Members of judicial bodies may work as arbitrators in any conflict between other entities or between individuals after receiving approval from the Council.

Article (59)

The position of undersecretary of the General People's Committee for Justice shall be filled by delegating a counsellor of the Supreme Court or a member of a judicial body whose grade is not lower than that of counsellor or an equivalent position. Such delegation shall occur by

a decree issued by the General People’s Committee, based on a proposal by the Secretary and following the approval of the Council.

The position of department head within judicial bodies may be filled by delegating a counsellor of the Supreme Court or a member of judicial bodies whose grade is not lower than that of president of a court of appeal or an equivalent position.

Such delegations shall occur by a decree issued by the General People’s Committee for Justice upon the approval of the Council.

Article (60)

By a decree issued by the President of the Council, a judicial body member whose grade is not lower than that of counsellor in a court of appeal or an equivalent position may be delegated to work as the head of a department, service, or other such entities within the justice sector, or in a department or office of the administrative unit of the General People’s Committee for Justice.

Chapter (3)

Duties and Rights of the Members of Judicial Bodies

Article (61)

Counsellors in the courts of appeal and judges shall be sworn in before assuming their positions by taking the following oath: “I swear by Almighty God that I shall administer justice and respect the law”.

Counsellors shall be sworn in before a circuit of the Supreme Court. Others shall be sworn in before circuits of the courts of appeal.

Other members of judicial bodies shall take the following oath before assuming their positions: “I swear by Almighty God that I shall carry out my duties honestly, faithfully, and fairly, and that I shall respect the law”.

They shall take this oath before the President of the Council or whomever he mandates for this purpose.

Article (62)

Members of judicial bodies shall not undertake any commercial activities or any work that is not consistent with the independence and dignity of the judiciary.

Nor shall these members undertake any work except with approval from the President of the Council.

Article (63)

Members of judicial bodies may not purchase by themselves or through an intermediary some of all of the rights subject of dispute, or the contract shall be void.

Article (64)

Members of judicial bodies are prohibited from engaging in political activity. This shall not prevent members from attending sessions of the Basic People's Congresses.

Article (65)

Judges who are related by blood or by marriage up to the fourth degree shall not sit on a single circuit, due to conflict of interest.

Any person with one of the abovementioned relationships to a judge who will hear a particular case shall not represent the prosecution or represent or defend any of the litigants involved in the case. Nor shall a lawyer be appointed who has one of these relationships with one of the judges, if this appointment is made after the judge has begun to hear the case.

Article (66)

Except in the situations stipulated by law, the judge may not refrain from ruling on disputes that are brought before him. In no case shall the judge speak directly or indirectly of the disputes brought before him or reveal his opinion prior to the issuance of the ruling.

The judge shall not divulge deliberations.

Article (67)

Members of judicial bodies shall not be absent from their work without an acceptable justification or prior permission from their superiors.

A member of these bodies shall be considered to have submitted his resignation if he is absent or ceases working for a period of twenty consecutive days without permission, even if this follows the end of his leave, secondment, or delegation to another position. A decision from the President of the Council shall be issued regarding this resignation. If the member returns and presents the President of the Council with an excuse and the President presents this excuse to the Council, the Council may decide to consider the member not to have resigned, if it deems that the excuse presented to it is serious. In such a case, the period of absence or of cessation of work shall be deducted from the member's annual leave, even his remaining leave covers the period; if not, the corresponding amount shall be deducted from his salary.

Article (68)

The positions and grades of judicial body members and their financial treatment shall be according to the table annexed to this law.

Any salary increases prescribed for state employees in general shall apply to the salaries of the members of judicial bodies, according to the same conditions and using the same rates as stipulated by the increase.

By a decree issued by the Council, members of judicial bodies may be granted benefits, bonuses, and financial remuneration as befits the nature of judicial work.

The provisions of the abovementioned Law No. (15) of 1981 shall apply to the members of judicial bodies in matters for which there is no specific stipulation in this law.

Article (69)

Members of judicial bodies who are injured during or as a result of their work shall have the right to treatment at society's expense, whether within the Great Jamahiriya or abroad.

Article (70)

A fund, to be called the Social Solidarity Fund, shall be established for members of judicial bodies. A portion of the fund's revenue will be contributed annually by the General People's Committee for Justice. The remainder shall be made up of deductions taken from the salaries of the members of judicial bodies and any donations or unconditional aid presented to the fund for social and humanitarian purposes related to the members of judicial bodies. A decree shall be issued by the Council organizing the administration of the fund and determining the amount of deductions and how the fund is to be disbursed.

Article (71)

Without prejudice to any rights or other benefits established by the laws in force, a judicial body member who incurs an injury because of his performance of the duties of his position that results in partial or total disability shall be granted compensation based on the disability percentage as a percentage of his salary, as determined by the competent medical committees at the time of the injury. This compensation shall be for a period of three years, provided that it does not exceed twenty thousand dinars. If the injury leads to death, compensation of one hundred thousand LYD shall be made in one payment to the relatives of the deceased member on whom they were dependent.

In the event that the property of the member is partially or totally damaged, compensation will be made in a single payment.

Article (72)

Social clubs shall be established for the members of judicial bodies. These clubs shall have legal personality and independent financial liability. The resources of these social clubs shall consist of:

1. The value of the annual memberships of the members of judicial bodies in these clubs.
2. Allocations for these clubs from the budget of the General People's Committee for Justice.
3. Returns on loans made by the clubs.

These clubs may use their profits to improve conditions in the judicial bodies. The Secretariat of the General People's Committee for Justice shall issue a decree determining the cost of membership in these clubs, stating the clubs' purposes, and organizing their affairs.

Chapter (4)

Leaves

Article (73)

Judicial bodies shall have a judicial recess every year from the beginning of July to the end of August.

Those whose grade is not less than that of counsellor or equivalent positions shall have fifty days of leave; others shall have forty days of leave.

Members of judicial bodies are not permitted to take leaves apart from the judicial recess except for those who have worked during this recess, and provided that the conditions of work allow for this. However, in exceptional circumstances authorisation for leaves other than this recess may be granted.

Upon completing his service, the judicial body member shall receive the monetary equivalent of the accumulated leave time that he did not take for the interest of work.

Article (74)

The general assembly of each court shall organise work during the judicial recess and the leave dates of the judges. It shall determine the number of sessions, the days on which the court shall convene, and the judges who shall work in the court in order to ensure the regularity of judicial work.

The leaves of the members of the Public Prosecution shall be allocated by a decision issued by the Prosecutor General. The leaves of members of the other judicial bodies shall be allocated by a decision issued by their heads.

Article (75)

Sick leave of the members of judicial bodies shall be six months with receipt of full salary, three months with receipt of half salary, and three months with receipt of a quarter salary, whether for consecutive or non-consecutive periods, for every period of three years starting from the date of appointment. This sick leave is for sickness or injury not incurred during or as a result of the member's work.

The right to sick leave is forfeited if part or all of it continues beyond the expiry of the aforementioned three years.

Article (76)

If a judicial body member falls ill or incurs an injury during or resulting from his service, he shall receive his full salary throughout the period in which he remains hospitalised. After being discharged from the hospital, he shall have the right to a leave of not more than one year with receipt of his full salary.

Article (77)

If a judicial body member falls ill, he may use his normal leave periods in addition to the sick leave he is entitled to in accordance with the previous two articles. This shall take place as does not contravene the provisions of any more appropriate law.

Chapter (5)

Inspection of Judicial Bodies

Article (78)

A department to inspect judicial bodies shall be established to inspect all members of judicial bodies, to monitor their activities and the extent to which they take care to perform the duties of their positions well, to achieve the prescribed performance levels, and to investigate complaints filed against members of judicial bodies. This department may conduct urgent and surprise inspections of the activities and behaviours of the members of judicial bodies. This department is to be responsible for the technical inspection of members of judicial bodies, up to the grade of president of first instance court, for conflict of interest, or its equivalent among the grades of other members of judicial bodies.

The department shall consist of a president, deputies, and a sufficient number of members, the grade of whom shall not be lower than that of counsellor of a court of appeal or its equivalent.

A sufficient number of members of judicial bodies shall be delegated to work in the department. The grades of these members shall not be lower than counsellor or its equivalent. They shall be delegated by a decree issued by the Council. The grade of the head of the department shall not be lower than that of president of a court of appeal.

Article (79)

The Judicial Body Inspection Department shall notify the members of judicial bodies of everything placed in their service files in terms of complaints, observations, or other documents related to the activities of their work and their conduct.

Article (80)

Inspections of the activities of the judicial bodies shall be conducted at least once per year. An inspection report shall be drafted within a maximum of two months from the date on which the inspection is completed. Those concerned are to be notified of the report within a maximum of two weeks from the date on which it is completed.

The level of competence shall be assessed according to the following grades:

1. Competent.
2. Above average.
3. Average.
4. Below average.

Article (81)

Regulations shall be issued by a decree of the Council determining the rules and procedures for judicial inspection.

Chapter (6)

Discipline and Prosecution

Article (82)

Members of judicial bodies shall only be dismissed or relieved from a position based on a disciplinary trial and in accordance with the rules and procedures stipulated in this law.

Article (83)

The President of the Council and the head of the Judicial Body Inspection Department shall have the right to issue warnings to the members of judicial bodies who fail to fulfil the duties of their positions, for members of the grade of president of a first instance court and its equivalent and below. The heads of judicial bodies shall have the same right with regards to the members of these bodies.

Warnings shall only be issued after hearing the statements of the member in question, whether orally or in writing. In the latter case, the concerned member may object to the warning before the Council within ten days of the date on which he is informed of the matter. After hearing the statements of the concerned member and undertaking the necessary investigations, the Council may uphold the warning or consider it as never given. The issuer of the warning may not serve as a member on the Council at the time that it reviews the objection.

Article (84)

Subject to the provisions of the previous article, all members of judicial bodies who fail to fulfil the duties of their positions shall be referred to the Council in its capacity as a disciplinary board. The person who initiated the case for disciplinary action shall not serve as a member of the Council at such time.

Article (85)

Disciplinary cases shall be initiated by the head of the Judicial Body Inspection Department. Such cases shall be conducted by a member of the Department appointed by the head of the Department.

Disciplinary cases shall only be brought based on an administrative investigation undertaken by a court of appeal president, in the case of members holding the grade of counsellor and its equivalent or above, or by a member of the Judicial Body Inspection Department in the case of other members. The investigation must be undertaken by a member of higher grade than the member under investigation.

In all cases, the person to carry out the investigation shall be delegated by a decree issued by the head of the Judicial Body Inspection Department.

If a criminal investigation exists, it may be considered sufficient.

Article (86)

Disciplinary cases shall be initiated through a petition submitted to the Council which includes the charge and the supporting evidence for the charge.

Article (87)

The President of the Council, or his substitute, shall determine the date for hearing the case. The President shall order that the person referred to disciplinary trial be mandated to appear before the council at least two weeks in advance, by notifying him either in person or through the head of the judicial body to which he belongs.

The order to appear shall include a sufficient statement of the matter in question in the case and of the evidence of the charges.

Article (88)

The Council shall undertake the investigations that it deems necessary, and it may delegate one of its members for this purpose.

Article (89)

The Council may order the person referred to disciplinary trial to be suspended from performing the activities of his position or decide to consider him as a being on mandatory leave until the trial is completed.

At any time, the Council may reconsider the order to cease work or impose mandatory leave. The suspension order shall not result in all or part of the salary of the concerned person being withheld during the period in which his work is stopped.

Article (90)

The disciplinary case may result in the termination of the service of the person referred to disciplinary trial for any of the reasons for termination of service.

The disciplinary case shall not have any effect on a criminal or civil case arising from the same incident.

Article (91)

The Council, or the member delegated to conduct investigations, shall enjoy the powers vested in criminal courts as regards witnesses whose statements are deemed useful.

Article (92)

The person referred to disciplinary trial shall appear in person before the Council. He may present his defence in writing or orally, and he may authorise a member of a judicial body to defend him.

The Council shall always have the right to request the personal attendance of the person referred to the disciplinary trial. If he does not attend, or if he does not delegate anyone to represent him, the ruling may be issued in his absence after it is verified that he was properly notified.

Article (93)

The disciplinary case shall be heard and ruled on in camera.

The ruling in the disciplinary case must include the reasons upon which the ruling is based. The reasons are to be read out when the ruling is pronounced. The ruling shall be final and shall not be subject to any form of appeal.

Article (94)

The disciplinary penalties that may be imposed by the Council are as follows:

1. Reprimand.
2. Withholding of one of the bonuses prescribed for members of judicial bodies for a period of not more than six months.
3. Denial of promotion for a period of not less than one year and not more than three years.
4. Transfer from the judicial position.
5. Dismissal.

Article (95)

If Council issues a ruling convicting the person referred to trial in absentia, the President of the Council shall undertake to notify him of the content of the ruling within forty-eight hours of the date on which the ruling was issued, in accordance with Article (87) of this law.

The service of the judicial body member who is sentenced to dismissal or transfer shall be terminated as of the date on which the ruling is issued if he is present at the time, or from the date on which he is notified of the content of the ruling if it is issued in his absence.

In the event that a sentence of transfer from the judicial position is issued, the sentenced member of the judicial bodies shall be transferred to a position equivalent to the judicial position that he held, in accordance with the procedures stipulated in Article (52) of this law.

Article (96)

A committee shall be formed with one of the counsellors of the Supreme Court selected by its general assembly as its chairman and with a membership comprised of two of the presidents of the Courts of Appeal selected by the Council. The members of the committee shall not include any member of the Council.

The committee shall be responsible for the following:

1. Granting authorisation to arrest, detain, interrogate, or bring criminal lawsuits against members of judicial bodies.
2. Appointing the court that shall adjudicate cases of felonies or misdemeanours committed by members of judicial bodies, even if not committed in relation to their positions, without being bound by the provisions of general jurisdiction with regards to location.

Article (97)

Except in cases of *in flagrante delicto*, no judicial body member shall be arrested or detained except following authorisation from the committee stipulated in the previous article.

In cases of *in flagrante delicto*, the Prosecutor General shall submit the matter before the aforementioned committee within twenty-four hours from when the judicial body member is

arrested or detained. The committee shall decide either to keep the member in detention or to release him, either with or without bail. The member of the judicial body may request that the committee hear his statement when the matter is presented thereto. The committee shall determine the period of detention in the decree authorising the detention or its continuation. The aforementioned procedures shall be observed whenever it is deemed necessary to extend the provisional detention following the expiration of the period set by the committee.

Except as stated, no investigative procedures may be conducted or criminal cases regarding felonies or misdemeanours be brought against members of judicial bodies, except with the permission of the aforementioned committee, based on a request from the Prosecutor General.

Members of judicial bodies shall be detained and serve custodial sentences in locations specifically established for this purpose.

Article (98)

The detention of a judicial body member based on an order or ruling shall inevitably entail his suspension from work throughout the period of his detention.

The Council may order that a judicial body member be suspended from performing the work of his position during the period of investigations or trial proceedings for a crime which he committed, whether on its own initiative or based on a request from the head of the Judicial Body Inspection Department, the Prosecutor General, or the head of the judicial body to which the member in question belongs.

Suspension from work shall not result in the member of the judicial body being deprived of his salary during the suspension period, unless the suspension results from the execution of a criminal sentence.

Chapter (7) End of Service

Article (99)

The service of members of judicial bodies shall be ended when they reach sixty-five years of age. If any member reaches the age of retirement in the period between the beginning of September and the end of June, he shall remain in service until the latter date.

However, a judicial body member may be referred to retirement based on a written request submitted by him upon reaching fifty-five years of age. In both cases, age shall be calculated solely based on the birth certificate presented upon appointment.

Article (100)

The President of the Council shall present to the Council the matter of members of judicial bodies who have been subjected to inspection in accordance with the provisions of Article (78) of this law, and who have received two consecutive evaluations of “below average” or three consecutive evaluations of “average”. The Council shall review their cases and hear their statements. The Council must decide whether to refer them to retirement or to transfer them from their judicial positions.

Article (101)

The President of the Council shall notify the judicial body member of the decision issued in accordance with the previous article within three days of the date on which it is issued. The member's mandate shall be terminated as of the time of notification. The member of the judicial body who is to be transferred shall be considered on mandatory leave until a decision is issued determining the position to which he is to be transferred.

Article (102)

A judicial body member may submit his resignation to the President of the Council. The resignation must be written and must not contain any restrictions or conditions.

The resignation will be considered effective as of the date of its submission if it meets the conditions stipulated in the previous paragraph, provided that the member submitted his resignation has not been referred for criminal or disciplinary investigation. If this is the case, the resignation shall be considered invalid.

A decision shall be issued by the President of the Council accepting the resignation.

Article (103)

If the member of the judicial body is not able to carry out his work due to an illness after his sick leave and regular leave time have been exhausted, or if it becomes apparent at any time that he is unable to appropriately fulfil the duties of his position for health reasons, he shall be referred to retirement by a decree issued by the Council.

Article (104)

The member of the judicial body whose service is ended upon reaching the age of retirement or due to health conditions which make him unfit for service shall receive a retirement pension calculated based on sixty percent of the last salary that he received if his length of pensionable service has reached twenty years. This amount shall be increased by two percent for every additional year of service beyond these twenty years, provided that the amount of the pension does not exceed the amount of the last salary that was received.

The provisions of the general laws and regulations for retirement shall apply to members of judicial bodies in all matters not addressed by this law.

Article (105)

The provisions of Articles (96) and (97) of this law shall apply to members of judicial bodies whose service is ended in accordance with the provisions of Articles (99) and (103) of this law, throughout their lives and provided that they do not engage in other work following the end of their service.

Part (6)
Employees of Judicial Bodies

Article (106)

Employees of judicial bodies shall be appointed by a decision issued by the secretary of the General People's Committee for Justice after they are examined by a committee established for this purpose.

Article (107)

Employees of judicial bodies shall be transferred and delegated outside of the judicial body in which they work by a decision from the Secretary.

The transfer and delegation of these employees within the judicial body, the determination of the work location of each employee, and the distribution of work and leave among them shall occur by a decision issued by the head of the relevant body.

Permission shall not be granted for employees of judicial bodies to take leave time other than during the judicial recess, except in exceptional circumstances.

Article (108)

Employees of judicial bodies shall take an oath before the head of the body to which they belong, vowing to perform the duties of their positions honestly and faithfully.

Article (109)

Employees of judicial bodies shall receive and maintain the judicial documents relating to the duties of their positions and collect the required fees.

Employees may not accept papers or documents unless they are in a portfolio that indicates what it contains. The portfolio shall be accompanied by a true copy of the original, which is to be signed by the relevant employee after he reviews it and verifies that it matches the original. This copy is to be returned to the person who submitted it.

Article (110)

Employees of judicial bodies shall not disclose any information to which they have access by virtue of their positions. They may not reveal such information to any person other than as is permitted by the laws and regulations or by directives and orders to reveal this information.

Article (111)

The Judicial Inspection Department shall be responsible for conducting administrative and clerical inspections of the administrative and clerical work of the employees of judicial bodies.

The rules and procedures for inspections shall be laid out in the regulations for judicial inspection procedures.

Article (112)

Disciplinary measures shall be taken against all employees of judicial bodies who fail to fulfil the duties of their positions, who carry out an act that reduces the necessary confidence in judicial work, or who disrespect the body to which they belong.

Article (113)

Within their respective jurisdictions, the heads of judicial bodies may impose penalties of warning and salary deduction for a maximum period of fifteen days. The secretary may impose penalties of warning and salary deduction for a period of not more than thirty days per year.

No other disciplinary penalties may be imposed except by a decision from the disciplinary board.

Article (114)

A disciplinary board shall be formed within each court of appeal. The general assembly shall select a counsellor to serve as the chairman, and its membership shall comprise a judge selected by the general assembly of the first instance court located at the locations of the court of appeal, and a judicial body member selected by the Secretary.

The disciplinary board shall be responsible for prosecuting employees of judicial bodies who work within the jurisdiction of the court of appeal.

Article (115)

Disciplinary cases shall be brought against employees of judicial bodies by a decision from the head of the relevant body. The person who brings the case shall not serve as a member of the disciplinary board.

Article (116)

By a decree issued by the General People's Committee for Justice, employees of judicial bodies may be granted benefits, bonuses, and financial remuneration as befits the nature of their work.

Article (117)

The provisions of the Civil Service Law shall apply to employees of judicial bodies in all matters not addressed in this law.

Article (118)

Final Provisions

The Justice System Law issued in Law No. (51) of 1976 shall be repealed. Any provision in contradiction of the provisions of this law shall also be repealed.

Article (119)

This law shall be published in the Legal Register and shall enter into force from the date of its publication.

The General People's Congress - Libya

Issued in Sirte
6 Safar 1374 FDP
Corresponding to 5 March 2006 AD

**Table Attached to Law No. (6) of 1374 FDP
corresponding to 2006 AD
on the justice system**

Salaries and Bonuses of the Members of judicial bodies

	Grades within Judiciary and Public Prosecution	Grades within Department of Cases	Grades within Department of People's Legal Defence	Grades within Law Department	Lowest Annual Base Salary	Highest Annual Base Salary	Value of Bonuses	Number of Bonuses	Minimum Time Set for Promotion
1	Prosecutor General	-	-	-	-	-	-	-	To be treated as a counsellor of the Supreme Court
2	Presidents of Courts of Appeal and Advocate-Generals of Category (A)	Head of Department	Head of Department	Head of Department	8280	9480	120	10	Not determined by time
3	Deputy Judges of Courts of Appeal and Advocate-Generals in Category (B)	Deputy of Department	Deputy of Department	Deputy of Department	7380	8580	120	10	Not determined by time
4	Counsellors and Chief Prosecutors	Counsellor	Lawyer in Category (A)	Counsellor	6380	7680	120	10	Not determined by time
5	Presidents of First Instance Courts and First-Grade Prosecutors	Assistant Counsellor (A)	Lawyer in Category (B)	Assistant Counsellor (A)	5880	7080	120	10	Three years

6	Deputy Judges of First Instance Courts and Second-Grade Prosecutors	Assistant Counsellor (B)	Lawyer in Category (C)	Assistant Counsellor (B)	5040	6000	96	10	Four Years
7	Judges and First-Grade District Prosecutors	Lawyer of the First Grade	Lawyer of the First Grade	First Legal Researcher	4680	5640	96	10	Four Years
8	Judges and Second-Grade District Prosecutors	Lawyer of the Second Grade	Lawyer of the Second Grade	Second Legal Researcher	3720	4680	96	10	Four Years
9	Judges and District Prosecutors of the Third Grade	Lawyer of the Third Grade	Lawyer of the Third Grade	Third Legal Researcher	3720	4680	96	10	Four Years
10	Assistants Prosecutors	Lawyer of the Fourth Grade	Lawyer of the Fourth Grade	Fourth Legal Researcher	3060	4128	96	10	Three Years
11	Auxiliary Prosecutors	Lawyer in Training	Lawyer in Training	Assistant Legal Researcher	2760	3720	96	10	Three Years