

**Decision No. (20) of 1376 FDP
on the procedure of the Supreme Council of Judicial Bodies**

The Supreme Council of Judicial Bodies:

Upon review of:

- Law No. (6) of 1374 FDP on the justice system;
- Supreme Council of Judicial Bodies Decision No. (2) of 1370 FDP of the procedures of the Council;
- The minutes of the 12th session of the Supreme Council of Judicial Bodies of 1375 FDP held on 05/11/2007;

has decided:

Article (1)

The procedures of the Supreme Council of Judicial Bodies (SCJB) shall be in accordance with the following regulations.

Article (2)

The SCJB shall hold a regular session every month, and it may be called upon to convene at any other time without having to follow the procedures mentioned in Article (3) below, based on an invitation by the President of the SCJB or his Deputy, or on that of one-third of its members.

Article (3)

The invitation shall be sent at least one week before the date of the session, and attached to it shall be an agenda and memoranda explaining every subject mentioned in the agenda.

Article (4)

In case of urgency and in the narrowest of limits, the SCJB may adopt decisions by circular resolution. The majority of SCJB members must sign the circular resolution minutes relating to the subject at hand.

Article (5)

The SCJB shall convene in the headquarters of the General People's Committee for Justice, and it may convene in any other place determined by its President. The quorum for every session shall be the majority of its members. All SCJB decisions and recommendations shall be issued by the majority of the votes of the present members, and in case of a tie, the decision for which the President has voted shall be adopted.

Article (6)

The sessions, activities, deliberations and documents of the SCJB shall remain secret, and the SCJB may invite non-members to attend its sessions in order to listen to their views and clarifications on the issues at hand. Non-members shall not have the right to vote or to attend deliberations.

Article (7)

SCJB members shall not be allowed to attend SCJB sessions or to take part in deliberations if said sessions are about them or affect them or their relatives up to the 4th degree in any way. In the cases stipulated in this article, the SCJB shall make its decisions by secret ballot.

Article (8)

The SCJB shall have a technical committee composed of a number of experienced and capable members of judicial bodies. This committee shall examine the cases referred to it by the SCJB or its President, issue memoranda about its findings and submit them to the SCJB in order for this latter to decide upon them. The SCJB, based on a proposal by its President, shall issue a decision to form the committee and to determine the financial compensation for the chairman and members of said committee.

Article (9)

The Council shall have a Secretariat with a sufficient number of administrative employees. This Secretariat shall be treated as part of the administrative apparatus of the General People's Committee for Justice.

Article (10)

The Secretariat shall perform the following tasks under the supervision of the General Secretary:

1. Prepare SCJB sessions, prepare copies of the draft agenda and refer them to SCJB members along with their respective memoranda within the required dates.
2. Attend SCJB sessions, write session minutes and archive them along with their attachments in an orderly fashion that makes it easy to consult them later on.
3. Present session minutes to the President of the SCJB no later than one week after the session in order for him to sign, distribute and present said minutes to the SCJB at the start of the next meeting for review and adoption.
4. Propose draft regulations, decisions and memoranda that fall within the competence of the SCJB or its President in conformity with the law, and refer them to the President for signature.
5. Record the decisions issued by the SCJB or its President in special records sorted according to their date of issuance and refer them to the General Secretary for distribution to the relevant bodies.
6. Receive objections and requests submitted by members of judicial bodies and submit them to the President of the SCJB to take necessary action.
7. Receive disciplinary cases referred by the head of the inspection department and submit them to the President of the SCJB in order to set a date to examine them, implement the orders of the President by instructing the accused to appear before the SCJB on the specified date and refer these cases back to the head of the inspection department after the SCJB decides upon them.
8. Attend the disciplinary meetings of the SCJB or the meetings dedicated to examine administrative cases and implement the rulings or the decisions that the SCJB issues in this regard.

9. Submit legal memoranda in the cases at hand to the SCJB or its President in order to decide upon them.
 10. Handle archives, receive incoming mail addressed to the SCJB, to its President or to any of the SCJB's committees, handle outgoing mail and prepare the necessary correspondence.
 11. Prepare the annual report on the work of the SCJB and its committees and present it to the President for adoption.
 12. Any other tasks assigned by the SCJB or its President.
- The President may issue a decision to delegate members of judicial bodies to work in the SCJB's Secretariat.

Article (11)

The SCJB's Secretariat may ask relevant authorities to provide data, documents or clarifications required for the examination of the cases submitted before the Council.

Article (12)

The SCJB's Secretariat shall use the attached templates for records and documents to implement procedures regarding the legal competencies of the SCJB as follows:

- Template (1-SCJB) for the record of SCJB decisions.
- Template (2-SCJB) for the record of the decisions of the President of the SCJB.
- Template (3-SCJB) for the record of ratified rulings.
- Template (4-SCJB) for the record of requests and objections.
- Template (5-SCJB) for the record of disciplinary cases.
- Template (6-SCJB) for the record of administrative cases.
- Template (7-SCJB) for administrative case files.
- Template (8-SCJB) for the minutes of sessions dedicated for the preparation of cases.
- Template (9-SCJB) for the minutes of pleading sessions.
- Template (10-SCJB) for the minutes of disciplinary sessions.
- Template (11-SCJB) for determining litigants and instructing them to attend sessions dedicated for the preparation of cases.
- Template (12-SCJB) for determining litigants and instructing them to attend sessions dedicated for the examination of cases.
- Template (13-SCJB) for the minutes of depositing documents.
- Template (14-SCJB) for the statement of a ruling or decision issued by the Council.

The President of the SCJB may issue a decision to amend or revoke the templates stipulated in this article or add new templates if necessary.

Article (13)

The procedures of the Supreme Council of Judicial Bodies issued by Council decision No. (2) of 1370 FDP, as well as any provision contrary to this decision, shall be repealed.

Article (14)

This law shall enter into effect from its date of issuance and the competent bodies shall implement it.

Supreme Council of Judicial Bodies – Libya