

Law No. (4) of 1981
establishing the Department of People's Legal Defence (1)

The General People's Congress:

In execution of the resolutions adopted by of the Basic People's Congresses in their ordinary third session of 1389-1390 FDP, corresponding to 1980 AD, and formulated by the General Forum of People's Congresses, People's Committees, syndicates, professional associations, and unions (the General People's Congress) in its ordinary sixth session from 27 Safar to 1 Rabi' al-Awwal 1390 FDP, corresponding to 3 to 7 January 1981 AD;

drafted the following law:

Part (1)

Establishment and Powers of the Department of People's Legal Defence

Article (1)

The citizens of the Socialist People's Libyan Arab Jamahiriya shall have the right to seek the assistance of a lawyer free of charge in cases filed against them or by them before judicial bodies, in accordance with the rules set forth by the executive regulation of this law.

Article (2)

A department named the Department of People's Legal Defence shall be established in the Secretariat of the General People's Committee for Justice. It shall be considered a judicial body and shall be headquartered in the city of Tripoli. It shall be organized in accordance with the provisions of this law.

Article (3)

The Department of People's Legal Defence shall consist of branches and offices.

It shall have a branch at the headquarters of all Courts of Appeal under its jurisdiction. Offices in all Courts of First Instance outside the headquarters of the branch shall be subordinate to it. Other offices may be established at the headquarters of Summary Courts by virtue of a decree by the General People's Committee for Justice, at the proposal of the head of the Department.

Article (4)

The Department of People's Legal Defence shall be composed of a head, deputies, and a sufficient number of members, as per the attached table.

Article (5)

The Department and its branches and offices shall guide citizens and make them aware of the various provisions of laws and regulations that relate to their rights, duties, and interests and they may use all means of publication and advertising for this purpose.

The Department and its branches and offices shall also help citizens end their disputes amicably.

Article (6)

The Department, through its branches and offices, shall represent citizens of the Jamahiriya, free of charge, in cases filed against them or by them before the courts of different types and degrees and before other authorities given legal jurisdiction under the law and in other judicial proceedings, in accordance with the provisions of this law.

Article (7)

Anyone who wishes to file a lawsuit or take legal action shall be entitled to request the competent branch or office to do so on his behalf. The request shall be submitted to the relevant branch or office using the prescribed form, accompanied by the necessary documents and information.

The court and the public prosecution shall task the branch or office to delegate someone to defend a person whenever the law so requires.

Article (8)

Except in circumstances where a decision is issued to grant judicial assistance, branches or offices shall not proceed with any action in a lawsuit before the person concerned pays the legal fees prescribed.

The branch or office shall submit a request for judicial assistance on behalf of the person it represents, in accordance with the provisions concerning judicial assistance, without prejudice to the right of the person to submit the request for such assistance to the court.

Article (9)

Subject to the provisions of Article (4) of Law No. (87) of 1971 on the State Lawsuits Authority, foreign and national companies and enterprises may seek the assistance of a lawyer through the branches and offices of the Department in cases filed against them or by them for a fee, which shall be determined by the executive regulation of this law, and after paying the legal fees.

Article (10)

Citizens of foreign countries may seek the assistance of a lawyer through the branches and offices of the Department for a fee, which shall be determined by the executive regulation of this law.

The secretary of the General People's Committee for Justice may, at the proposal of the head of the Department or at the request of the persons concerned, reduce or waive the fees if he determines that there is grounds for doing so.

Article (11)

The head of the branch or office shall assign a member to study the request and attempt to end the dispute amicably with the agreement of all parties. In the event this is not possible, this member shall, on behalf of the requester, file the lawsuit before the competent judicial authority. The head of the branch or office shall assign another member to represent the other party in the lawsuit, at the latter's request. The member shall defend his point of view and rights based on the documents and information provided to him.

The branch or office shall also conduct all judicial proceedings, including appeals and the implementation of rulings on behalf of the person it represents.

Article (12)

The representation of persons by the branch or office shall end with the end of the dispute or at their request.

In the event the disputing parties decide to end the dispute without the knowledge of the Department, they shall notify the branch or office concerned.

Part (2) Department Members

Article (13)

Subject to the provisions of this law, with regards to appointments, seniority, bonuses, leaves, performance assessment, transport, secondment, delegation, discipline, end of service, and pension rights, the same provisions shall apply to the head of the Department of People's Legal Defence and its deputies and members as apply to the occupants of functions of the judiciary and public prosecutions equivalent to their functions.

For the head of the Department of People's Legal Defence and its members, the General People's Committee for Justice shall have the same powers as it does for judges and members of the public prosecutions.

Article (14)

Anyone appointed in the functions of the Department of People's Legal Defence shall meet the conditions set forth in Article (43), Paragraphs (1), (2), (3), (4), (5), (6), and (8) of the Legal System Law No. (51) of 1976. Lawyers who are already enrolled in one of the attorneys' tables at the issuance of this law shall be exempt from the condition of obtaining the qualification.

Article (15)

Judges, members of public prosecutions, and workers in the State Lawsuits Authority may be transferred to the Department of People's Legal Defence. Members of the Department of People's Legal Defence may also be transferred to the judiciary, public prosecutions, and the Department of People's Legal Defence under the terms and conditions of appointment in the functions they are transferred to.

Article (16)

Without prejudice to the powers of the People's Committees for Justice in municipalities, the head of the Department of People's Legal Defence shall represent the Department in all its contacts with official authorities and other authorities. He shall also oversee all the works of the Department and its members and staff, and he may, in this regard, take actions and issue instructions to ensure proper workflow.

He may also delegate some of his powers to the deputies of the Department and the heads of branches and offices, and the most senior deputy shall assume the powers of the head of the Department in his absence.

Article (17)

Heads of branches shall be responsible for all technical and administrative activities in the jurisdiction of their branch and they shall be responsible for proper workflow in their branch. They shall also submit to the Department approximately every three months a report on the works of their branch, including a statement of the cases in progress and resolved, in addition to the observations and suggestions they see fit.

Heads of offices shall assume the responsibilities set forth in the preceding paragraph. Heads of branches and offices may delegate some of their powers to members.

Article (18)

The members of the Department of People's Legal Defence shall be subordinate to their superiors in the order of their grades, then to the secretary general of the General People's Committee for Justice.

Article (19)

Notwithstanding the provisions of Article (13) of this law, the transfer and delegation of the members of the Department of People's Legal Defence within the Department shall be by virtue of a decision by the secretary of the General People's Committee for Justice, after taking the opinion of the head of the Department.

Article (20)

Before assuming their functions, the members of the Department of People's Legal Defence shall take an oath to perform the duties of their functions with devotion, honesty, and fairness.

The head and deputies of the Department shall take the oath before the secretary of the General People's Committee for Justice, and others shall take it before the secretary of the competent People's Committee for Justice.

Article (21)

Members of the Department shall refrain from giving any advice or assistance in the same case or in any dispute related thereto to the second party in the lawsuit. Generally, members of the Department may not represent conflicting interests.

Article (22)

Members of the Department who become aware of a fact or information through their position may not disclose such, even after the end of their representation, unless they do so with the intent to prevent commission of a crime.

Members of the Department may not be assigned to testify in a dispute in which they provided representation or were consulted about.

Article (23)

The actions of members of the Department shall be inspected in the same way as the actions of judges and members of public prosecutions.

Article (24)

The secretary of the People's Committee for Justice and the head of the Department may warn the members of the Department in the event they neglect their duties. Members of the Department may object before the General People's Committee for Justice within thirty days of being notified of the warning.

Article (25)

A sufficient number of administrative employees and clerks shall be appointed in the Department of People's Legal Defence, and the provisions of the Civil Service Law and the regulations issued pursuant thereto shall apply to these employees.

In the case of these employees, the head of the Department shall have the powers of a department head.

Article (26)

Administrative employees and clerks in the Department of People's Legal Defence shall be entitled to examine the files of lawsuits in courts and to copy the information from documents and papers included in these files upon being assigned by the head of the Department, the deputies of the Department, or the head of the branch or office concerned.

Article (27)

Lawyers that do not hold an Arab nationality may plead before the courts of the degrees they are licensed to plead before in their countries. This shall be in particular cases and with special permission from the secretary of the General People's Committee for Justice.

When granting permission, reciprocity and the participation of a member of the Department of People's Legal Defence shall be taken into account.

Article (28)

A Jurists Association shall be established in the Socialist People's Libyan Arab Jamahiriya and it shall possess legal personality.

The Jurists Association shall work to improve the legal profession and foster the interests of legal professionals. It shall also have the right to participate in Arabic and international organizations, conferences, and seminars for jurists.

The funds of the Bar Association shall devolve to the Jurists Association. The Association shall also replace the Bar Association as a member in the organizations that the latter was member of.

The bylaws of the Jurists Association shall be issued by the General People's Committee.

Article (29)

Subject to the provisions of Law No. (87) of 1971 on the State Lawsuits Authority, practicing the legal profession shall be limited to the branches and offices of the Department of People's Legal Defence starting from the date it starts exercising its powers.

Part (3)
General and Transitional Provisions

Article (30)

Lawyers enrolled in accordance with the provisions of Law No. (82) of 1975 may be appointed at their request in the functions of the Department of People's Legal Defence as per the terms and conditions set forth in this law. Upon their appointment, their grades shall be determined in accordance with the provisions of Article (45) of Legal System Law No. (51) of 1976.

Staff working in the offices of current lawyers may be appointed at their request in the administrative and clerical functions of the Department of People's Legal Defence. Upon their appointment, their grades shall be determined in accordance with the provisions of the Civil Service Law No. (55) of 1976.

Article (31)

The executive regulation of this law shall determine the terms and rules of pleading before the various degrees of courts.

Article (32)

The branches and offices of the Department of People's Legal Defence shall be responsible for the lawsuits and judicial procedures undertaken by lawyers. Lawyers shall continue working on such lawsuits and procedures until they deliver their files, documents, and all that is related thereto to the branch or office concerned, within thirty days from the date that the branches and offices assume their powers set forth in this law.

A decision by the secretary of the General People's Committee for Justice shall determine the date that the branches and offices assume such powers.

Article (33)

The funds of the Lawyers Pension Fund shall devolve to the Social Security Fund, which shall assume the obligations of the Pension Fund as per the terms and conditions prescribed by the executive regulation, within the limits of the funds devolved and the rights under this article.

Article (34)

The Secretariat of the Treasury shall allocate to the Department of People's Legal Defence the necessary funds in the State's current general budget until a special item is allocated therefor in the budget of the Secretariat of Justice.

Article (35)

Rules set forth in the Legal System Law shall be applied in the cases not provided for in this law.

Article (36)

A decision by the secretary of the General People's Committee for Justice shall establish a committee to review the appointment requests provided for in Article (30) of this law and determine the grade and seniority of requesters, in accordance with the provisions of this law.

The committee shall submit a report on the results of its work to the General People's Committee for Justice.

Article (37)

A decision by the General People's Committee for Justice shall issue the executive regulation of this law within thirty days from the date this law enters into force.

Article (38)

Legal Profession Law No. (82) of 1975 shall be repealed.

Article (39)

This law shall be published in the Official Gazette and it shall enter into force sixty days from its date of issuance.

The General People's Congress -- Libya

**Issued on 21 Rabi' al-Awwal 1390 FPD
Corresponding to 27 January 1981 AD**

**Table of Equivalency of the Functions
of Members of the Department of People’s Legal Defence
to the Functions of the Judiciary and Public Prosecution**

Functions of the Department of People’s Legal Defence	Functions of the Judiciary and Public Prosecutions
Department Head	Court of Appeal President
Department Deputy Head	Court of Appeal Deputy
Category A Lawyer	Head of Prosecution
Category B Lawyer	Grade 1 Head of Prosecution
Category C Lawyer	Grade 2 Head of Prosecution
Grade 1 Lawyer	Grade 1 Deputy Prosecutor
Grade 2 Lawyer	Grade 2 Deputy Prosecutor
Grade 3 Lawyer	Grade 3 Deputy Prosecutor
Grade 4 Lawyer	Assistant Prosecutor
Trainee lawyer	Prosecution Aide