

**Law No. (14) of 2013**  
**amending some provisions of the Justice System Law**

**Upon review of:**

- The Constitutional Declaration issued on 3 August 2011 and its amendments;
- The Code of Civil and Commercial Procedure;
- The Penal Code and the Code of Criminal Procedure;
- The law of the financial system of the State of Libya and its amendments;
- Law No. (87) of 1971 on the State Lawsuits Authority;
- Law No. (88) of 1971 on the administrative judiciary and its amendments;
- Law No. (6) of 1992 reorganising the Supreme Court and its amendments;
- Law No. (13) of 1983 on social security and its amendments;
- Law No. (6) of 1992 on the Law Department;
- Law No. (6) of 2006 on the justice system and its amendments;
- And on the conclusions of the General National Congress in its 90<sup>th</sup> ordinary session on Sunday 16 Rajab 1434 AH, corresponding to 26 May 2013 AD.

**issued the following decree:**

**Article (1)**

The following text shall replace the text of Article (3) of the aforementioned Justice System Law:

“Judicial affairs shall be handled by a supreme council called the ‘Supreme Judicial Council’ (SJC). The SJC shall assume the powers of the Supreme Council of Judicial Bodies stipulated by the aforementioned Justice System Law and by any other law. It shall be composed of the following:

1. A counsellor from the Supreme Court elected by the general assembly of the Supreme Court by secret ballot.
2. Head of the Judicial Body Inspection Department.
3. A counsellor from every court of appeal elected by the general assembly of each such court by secret ballot.
4. The Prosecutor General.
5. A member on behalf of the State Lawsuits Authority, the Department of People's Legal Defence, and the Law Department. The member's grade shall be no less than that of a counsellor in a court of appeal. He shall be elected by the Department's members who are in the same grade by secret ballot.

Whoever is selected for the presidency or membership of the SJC shall meet the following conditions:

- a. He must neither have worked as a secretary of a People's Congress nor was a member of the secretariat of a People's Congress or of a People's Committee at any of their levels.
- b. He must not have worked as a member in the court or prosecution concerned with cases arising from the 17 February Revolution, in a State Security court or prosecution, in a

specialised court or prosecution to which cases were referred at the discretion of the Prosecutor General, the People's Court, the People's Prosecution Office, the Permanent Revolutionary Court, or the Revolution Security Prosecution; the head of a cleansing committee; or a collaborator with one of the security agencies of the former regime.

- c. No disciplinary ruling must have been issued against him.
- d. He must not have received a final assessment with a below average grade.

With the exception of the membership of the Head of the Judicial Body Inspection Department and the Prosecutor General, the president and members of the SJC shall remain in their functions for a period of three years as full-timers.

By virtue of a decision, the SJC shall develop the candidature mechanism and verify that the candidates for the membership of the Council meet the conditions. It shall also check the selection procedures and supervise them. The selection process shall take place within one month of the date this law enters into effect. The mandate of the existing SJC at the issuance of this law shall end from the date of the announcement of the results.

The SJC shall select from among its members a president and a vice-president by secret ballot. Membership in the SJC shall end by death, resignation, inability to exercise the duties of membership, the loss of one of the conditions for membership, or breach of the professional duties. In the latter two cases, a decision regarding the end of membership shall be issued by the SJC with the majority approval of the two-thirds of its members. In the event the membership ends or is terminated, another member shall be selected in accordance with the preceding provisions until the end of the term of the member whose membership was terminated or ended.

The elections of the members of the new SJC shall start three months before the end of the term.

The President of the SJC, in the event he is absent or unable to attend or in the event his post is vacant, shall be replaced by his deputy or the most senior counsellor in the courts of appeal.

To conduct its business, the SJC shall have a budget separate from the state budget. The President of the SJC shall have the same powers of a department head with respect to the disbursement of such budget.”

### **Article (2)**

The following text shall replace the text of Article (59) of the aforementioned Justice System Law:

“The positions of heads of departments of judicial bodies may be filled by delegation from among the members of judicial bodies whose grade is no less than that of president of a court of appeal or its equivalent. The delegation shall be issued by virtue of a decision from the SJC.

### **Article (3)**

The following paragraph shall be added to Article (13) of the aforementioned Justice System Law:

“The SJC shall assign a president for the court among the judges whose grade is no less than that of court president and who meet the conditions of SJC membership, for a three-year period, renewable once for a maximum period of one year.”

#### **Article (4)**

The following paragraph shall be added to Article (16) of the aforementioned Justice System Law:

“The SJC shall assign a president for the court from among judges whose grade is no less than that of court president, for a three-year period, renewable once for a maximum period of one year.”

#### **Article (5)**

The second paragraph of Article (99) of the aforementioned Justice System Law shall be amended as following:

“Nonetheless, the member of the judiciary body may be referred to retirement at his request if the length of service reaches twenty years or he reaches the age of fifty-five years. In both cases, the age of the member shall only be calculated according to his birth certificate submitted upon appointment.”

#### **Article (6)**

The following paragraph shall be added to Article (53) of the aforementioned Justice System Law:

“In addition to his original job, the delegated member shall be granted a delegation bonus equal to one quarter of his salary and the other financial benefits prescribed for the position to which he is delegated.”

#### **Article (7)**

The expression “Public Legal Defence” shall replace “People’s Legal Defence” wherever mentioned in this law and other legislation in force.

#### **Article (8)**

The provisions of this law shall enter into force from its date of issuance and parties concerned shall implement it. It shall be published in the Official Gazette.

**General National Congress -- Libya**

**Issued in Tripoli**

**On 27 May 2013 AD**

**Corresponding to 17 Rajab 1434 AH**