

**Supreme Council of Judicial Bodies**  
**Decision No. (3) of 1376 FDP – 2008 AD**  
**on adopting a Code of Ethics and Conduct for Members of Judicial Bodies**  
**in the Great Jamahiriya**

**The Supreme Council of Judicial Bodies**

**Upon review of:**

- The Declaration on the Establishment of the Authority of the People;
- The Great Green Charter of Human Rights in the Jamahiriyan Era;
- Civil and Commercial Code of Procedure;
- Law No. (20) of 1991 on promoting freedom;
- Civil Service Code issued by virtue of Law No. (55) of 1976;
- Law No. (6) of 1374 FDP on the justice system;
- The minutes of the first meeting of the Supreme Council of Judicial Bodies of 1376 FDP - 2008 AD convened on 07/01/1376 FDP – 2008 AD.

**has decided:**

**Article (1)**

The Code of Ethics and Conduct for Members of Judicial Bodies in Libya attached to this decision shall be adopted.

**Article (2)**

All members of judicial bodies shall be subject to this code to the extent that it is consistent with the duties vested in each of them by virtue of the legislation in force.

**Article (3)**

The rules stipulated in this code shall be considered a moral obligation to the rules of professional conduct and duties stipulated in the Justice System Law and the other legislation in force.

**Article (4)**

The competent bodies shall circulate this code and spread the necessary awareness in its regard.

**The Supreme Council of Judicial Bodies – Libya**

**Issued on: 13/January/1376 FDP**  
**Corresponding to: 13/01/2008 AD**

# Code of Ethics and Conduct for Members of Judicial Bodies in the Great Jamahiriya

## Introduction:

The office of a judicial body member is one of the most important and supreme offices. It is the most radiant and highest of position, given its active role in administering justice, resolving disputes between people, providing them with security and peace of mind, safeguarding their freedoms, protecting their dignity, and preserving their lives and properties.

The honourable Islamic Sharia has devoted a substantial amount of attention and organisation to this role. Hardly a single Islamic jurisprudential text is devoid of a classification of judiciary ethics and the characteristics of a judge; therefore, many of the ethics, values, and conventions that guide a judge's conduct have become deeply rooted in the minds of the guardians of human rights, the rule of law, and the principles of freedom, justice, and equality for all nations and peoples, such as: the Great Green Charter of Human Rights in the Jamahiriyan Era, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Bangalore Principles of Judicial Conduct, etc. Meanwhile, in Libya, the main charters and laws have stipulated the independence of the judiciary since the Constitutional Declaration and the Declaration on the Establishment of the Authority of the People, which made the Holy Quran the law of the land.

In so far as the people's trust in the justice system and its integrity, ability, and independence is of utmost importance within society, this requires judges, whether working as individuals or within a joint body, to respect and honour the judicial office and work on elevating and maintaining it.

The adoption of this code has therefore been approved.

## Article (1)

### Independence of the Judiciary

The principle of the independence of the judiciary was enacted to ensure the proper functioning of justice. Respect therefor is a sacred duty for all people. The independence of judges is also one of the priorities necessary for the principle of legitimacy and to ensure a fair trial, as the judge is the eminent example of maintaining and manifesting the independence of the judiciary.

To ensure the independence of the judiciary, the judge must maintain his own independence by adhering to the following:

1. Perform his duties in an independent way when assessing facts and applying the law, without external influence or instigation, pressure, threat, or the direct or indirect interference of any party and for any reason.
2. Maintain independence in the face of society in general and the disputing parties in particular.
3. Avoid establishing inappropriate relations with any public bodies or falling subject to their influence. He shall also maintain the appearance of a person that respects his principles.
4. When performing his judicial functions, he shall maintain independence in the face of his judge colleagues when taking decisions.
5. Maintain and safeguard the attributes of neutrality and impartiality to preserve and elevate the independence of the judiciary apparatus.
6. Increase respect for the rules of judicial conduct and highlight them in order to strengthen the people's trust in the judiciary apparatus. This trust is an essential pillar of the independence of justice.

## **Article (2)**

### **Integrity**

Integrity is a key and fundamental principle in judicial work. It does not only concern judicial decisions or rulings, but also the procedures that lead to the issuance of this decision.

To ensure this principle, the judge must adhere to the following:

1. Perform his judicial duties without favouritism, partiality, or courtesies to anyone.
2. In his line of conduct, whether inside or outside the court, take care to win the trust of people, the body of lawyers, and the litigants, in his integrity as well as that of the judicial apparatus.
3. In his behaviour, distance himself from cases that may lead to a request of his recusal by the litigators. He shall not put himself in suspicious situations that may reduce trust in him.
4. Fully avoid, whether during the proceedings of a trial or in relation thereto, any comment that may prejudice the outcome of a case or raise doubts about fairness. He shall also avoid any public or other comment that prejudices the fairness of a case or any issues brought before either him or any of his colleagues.
5. Recuse himself from adjudicating disputes that may raise doubts about his neutrality, including:
  - a. If he has a personal inclination or feels partial towards any of the parties in a case, or if he is personally acquainted with leading facts related to a disputed point within his jurisdiction.
  - b. If he had previously been a lawyer or key witness in the dispute brought before him.
  - c. If either he or a member of his family has a monetary interest in the outcome of the case.

## **Article (3)**

### **Rectitude**

The rectitude of judicial body members, their decent behavior, and monitoring their conduct is of utmost importance to achieve justice and people's trust in the judiciary. The application thereof requires from each member of a judicial body the following:

1. In his conduct, be sure to avoid blame and defamation, as well as anything that may prejudice his rectitude and esteem as a judge.
2. Firmly establish, through his behaviour, conduct, and rulings, people's faith in the rectitude and integrity of the judicial apparatus. This shall not only apply to fair trials, but also to having people in general believe that justice has actually been served.

## **Article (4)**

### **Decency**

A member of a judicial body shall respect the rules of decency, tact, and etiquette when performing his tasks and activities by observing the following:

1. Ensure decency and courtesy in all of his actions. Avoid anything that is inappropriate in appearance or in reality.
2. Avoid anything that may raise doubts about his neutrality in his personal relations with lawyers, litigants, and employees,
3. Like all citizens, enjoy freedom of expression, thought, and assembly, but proceed to act as a guardian of the dignity, independence, and neutrality of the judicial apparatus while exercising these freedoms.
4. Respect his colleagues on the basis of their grades and treat them with amicability, appreciation, and respect for their experience and grades.

Within the scope of the good performance of his duties and without prejudice to the principles of neutrality, integrity, and independence, he is permitted to do the following:

- a. Participate in activities pertaining to the law, judicial organisation, the administration of justice, or any other related topics.
  - b. Appear in public hearings before official bodies tasked with matters related to the law, judicial organisation, the administration of justice, or any other related topics.
  - c. Work as a member of an official body, committee, or official advisory body after the approval of the competent authorities.
  - d. Participate in any other activities as long as they do not prejudice the dignity of the judiciary or his ability to perform his judicial office.
  - e. Join judicial associations, clubs, or their equivalents.
5. A judge shall not participate in adjudicating cases in which a member of his family is a representative of one of the parties, or is in any way related to the case.
  6. A judge may not permit lawyers to use his office to receive their customers, their lawyer colleagues, or others.
  7. A judge shall ensure that his family does not utilise his personal relations to influence his position or decision as a judge in a case.
  8. A member of a judicial body may not use or permit the use of the prestige and esteem of his position to achieve his own personal objectives, the objectives of one of his family members, or those of any other person. He shall not allow others to in any way get the impression or believe that they have a special status therewith that influences him.
  9. A member of a judicial body may not reveal confidential information he is privy to by virtue of his position, share it with the media, or use it for other purposes, with the exception of situations that are permitted by law.
  10. A judge or any member of a judicial body may not accept presents, gifts, grants, loans, or favours for one of his family members for his current or future work in the scope of the performance of his judicial duties.
  11. A judge or any member of a judicial body may not permit employees of the court or any persons affiliated therewith to request or accept any presents, gifts, loans, favours, pledges, or exemptions in the scope of their performance of their duties.

## **Article (6)**

### **Equality**

Equality before the courts is essential. It is one of the main pillars of justice in the performance of judicial work. To ensure the application thereof, the judge must adhere to the following:

1. Be aware of and understand the diversity of society and the differences that arise for various reasons, both with regards to citizens and to foreigners, on the basis that they have been granted rights and guarantees by the law that they have the right to enjoy with dignity, humanity, and honour.
2. Ensure equality between the people in his council.
3. Avoid exhibiting any inappropriate bias or favouritism towards any person or group in his speech and conduct while doing his job. Avoid participating in any discussion or conversation that may lead to a slip that discloses his beliefs, or may be interpreted as partiality.
4. While doing his job, a judge shall exhibit respect for all people, whether disputing parties, witnesses, lawyers, court employees, or his judge colleagues, without discrimination and treating them all with manners and etiquette. He shall leave a good impression of the apparatus and himself personally.

## **Article (7)**

### **Competence and Interest**

Increasing the judge's competence as well as his care, interest, and love for his profession are the foundations necessary for the correct and optimal execution of judicial work. The judge must adhere to the following:

1. Fully dedicate his time and professional activity to performing judicial work. This does not only comprise completing his tasks and responsibilities as a judge, but also other tasks related to judicial burdens.
2. Take practical measures to maintain and improve his knowledge. Work on anything that contributes to improving his qualifications and personal competence necessary for the proper execution of his judicial position.
3. Work on keeping up to date with developments in international law that are of importance, including international treaties and modern concepts of human rights.
4. Perform his judicial functions, including decisions of investigation, adjournment, cloture of trial, pronouncement of judgment, reasoning, compensation assessment, penalty assessment, evidence assessment, etc., with comprehensive efficiency, complete honesty, exceptional precision, significant interest, precise diligence, and within reasonable timeframes that ensure the judicial work is performed quickly without prejudice to the quality of judicial work.
5. Maintain organisation and the rules of decency and composure during the proceedings of a case. Be patient and courteous towards the litigants, witnesses, lawyers, and others that he deals with in an official capacity.

## **Article (8)**

### **General Rules**

#### **Explanatory Guidelines for the Preceding Principles**

The member of a judicial body shall:

1. Arrive to work early so that the litigants do not wait long for him.
2. Avoid postponing the hearing or adjudication of a case, investigation, or defence without compelling justification, especially when one of the parties is detained or arrested.
3. Avoid postponing the hearing of a case, investigation, or adjudication for long periods of time. Avoid repeating a postponement whereby the case remains in his possession for an extended period of time, especially when one of the parties is detained.
4. Maintain an appropriate appearance and refrain from wearing unusual or indecent clothing.
5. Refrain from attending people's reconciliation meetings and tribal meetings, and from signing the minutes thereof and being considered an active member thereof.
6. Refrain from joking or laughing in a loud voice and from name-calling with inappropriate nicknames or phrases.
7. Refrain from accepting invitations to banquets from people other than those with whom he is connected by familial ties, collegiality, or strong friendship.
8. Refrain from frequenting the offices of officials, excessive requests, and seeking benefits and rights.
9. Refrain from visiting lawyers in their offices.
11. Make sure to avoid greeting citizens, litigants, or lawyers, as well as stopping to speak with them in the hallways of courts.
12. Avoid receiving figures related to the cases in his possession or in the possession of his colleagues in his house or office. Refrain from discussing such cases, including discussion for the purposes of clarification or explanation of the circumstances thereof. The arena for this is during hearings and in the presence of the litigants.

13. Refrain from receiving certain lawyers or influential persons in his office that claim to have obtained a promise of something that may happen by coincidence, and thus exploit him for blackmail and monetary gain.
14. Avoid exploiting and publicising his capacity as judge everywhere in order to obtain influence or precedence in his dealings with others because of it. A proper man of the judiciary distances himself from grounds for suspicion, and thus does not need to display his judicial capacity except in the narrowest of limits.
15. Avoid insolence or disrespect toward those who are higher in rank than him. The judicial family is built on respect, good manners, decency, etiquette, and benefiting from the experience of those who are higher in rank.
16. Avoid concealing facts, truth, or opinion if requested from him in his ordinary sessions out of courtesy towards some people and to please them. He must be brave in speaking the truth. He shall avoid debate when it is unproductive and self-serving, or if the objective of the debate is the inappropriate manifestation and demonstration of talents.
17. He shall not get frustrated, frequently interrupt the litigants, or mock their opinions and poor defence. He shall be open-minded and generous and shall respect the right of defence. He shall appreciate that most people do not bear the gift of eloquent speech, and that interruptions confuse the defence and waste the benefit of the speech.
18. Avoid performing any commercial or financial business under any cover, including that of the names of his sons, relatives, or wife.
19. Monitor the behavior of his family members and prevent their exploitation of his capacity to obtain advantages or benefits under any cover.
20. Recuse himself from adjudicating cases in which he or one of his relatives or friends have an interest, such that he feels that he cannot be neutral or would cause the litigants to doubt his integrity.