

ANNEX VI

**Law No. (4) of 2011
amending Law No. (6) of 2006 on the judiciary**

The National Transitional Council

Upon review of:

- The Victory Statement of the 17 February Revolution issued on 22 March 2011;
- The Constitutional Declaration issued on 2 August 2011;
- The Code of Civil and Commercial Procedure;
- The Penal Code;
- The Code of Criminal Procedure;
- Law No. (87) of 1971 on the State Lawsuits Authority;
- Law No. (88) of 1971 on the administrative judiciary and the amendments thereof;
- Law No. (13) of 1990 on social security;
- Law No. (6) of 1982 on reorganising the Supreme Court and the amendments thereof;
- Law No. (6) of 1992 on establishing the Law Department;
- Law No. (6) of 2006 on the judiciary;

issued the following law:

Article (1)

Articles No. (1), (3), (6), (9), (92), and (93) of Law No. (6) of 2006 on the judiciary shall be replaced by the following texts:

Article (1)

Definitions

The following terms and expressions mentioned in this law shall have the meaning ascribed next to each of them unless the context indicates otherwise:

1. SJC: Supreme Judicial Council
2. SJC President: President of the Supreme Judicial Council
3. Judicial Body: Judicial Inspection Department – Courts – Public Prosecution – Lawsuit Authority – Law Department – Public Attorney Department
4. Head of Judicial Body: Public Prosecutor – Chiefs of judicial departments – Court presidents – public attorneys – Heads of Prosecutions
5. Any reference to the Secretary of Justice in the aforementioned law shall be considered a reference to the Minister of Justice.

Article (3)

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 judiciary law and by any other law. It shall be composed of the following:

1. President of the Supreme Court as president
2. Public Prosecutor as vice-president
3. Presidents of courts of appeal as members

Article (6)

The SJC shall be the sole responsible for ruling on requests submitted by the judicial body members with regard to the following matters:

1. Revocation of final administrative decisions concerning any professional affair of judicial body members which originally falls under the jurisdiction of the administrative judiciary, and any compensation claim entailed thereby.
2. Disputes related to salaries, pensions, and bonuses of judicial body members or their heirs.

The SJC's decisions on these matters shall be final.

Article (9)

The claimant shall personally initiate all procedures before the SJC and may submit his defence in writing and delegate the same to any judicial body member or attorney certified by the courts of appeal.

Article (92)

The person referred to disciplinary trial shall appear in person before the SJC. He may submit his defence verbally or in writing and delegate the same to any judicial body member or attorney certified by the courts of appeal.

The SJC shall always have the right to request the personal appearance of the person referred to disciplinary trial. If such person fails to appear or to assign a delegate, a ruling may be issued in absentia upon verifying his valid notification thereof.

Article (93)

The disciplinary action shall be examined and ruled on in closed sessions. The ruling thereon shall contain the grounds for such ruling, which shall be stated upon pronouncing the ruling. Such ruling shall be final.

Article (2)

This law shall enter into force from its date of issuance, repealing any contrary provision, and shall be published in the Official Gazette.

National Transitional Council – Libya

Issued in Tripoli

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