

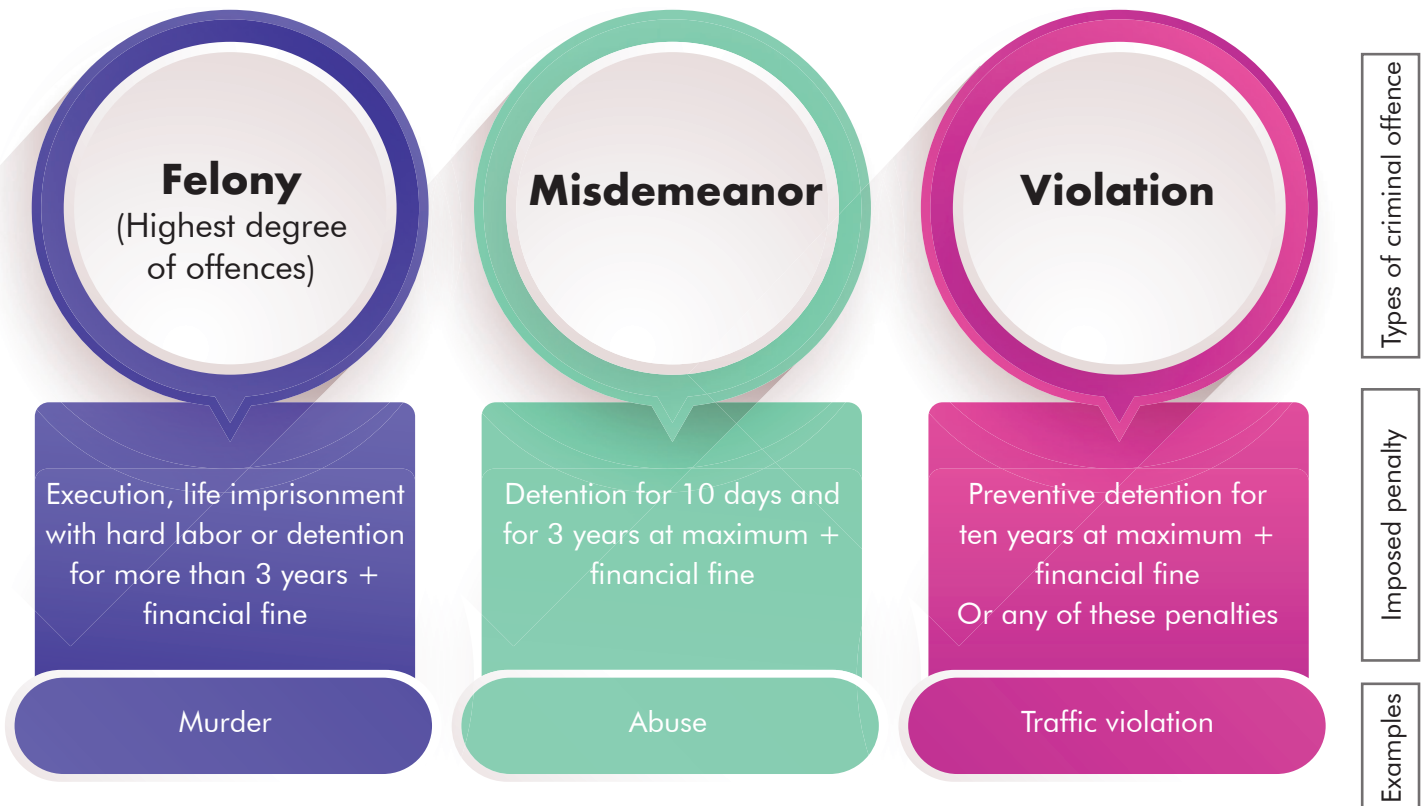
The Lebanese Citizen's Guide About

CRIMINAL JUDICIARY



Criminal Judiciary

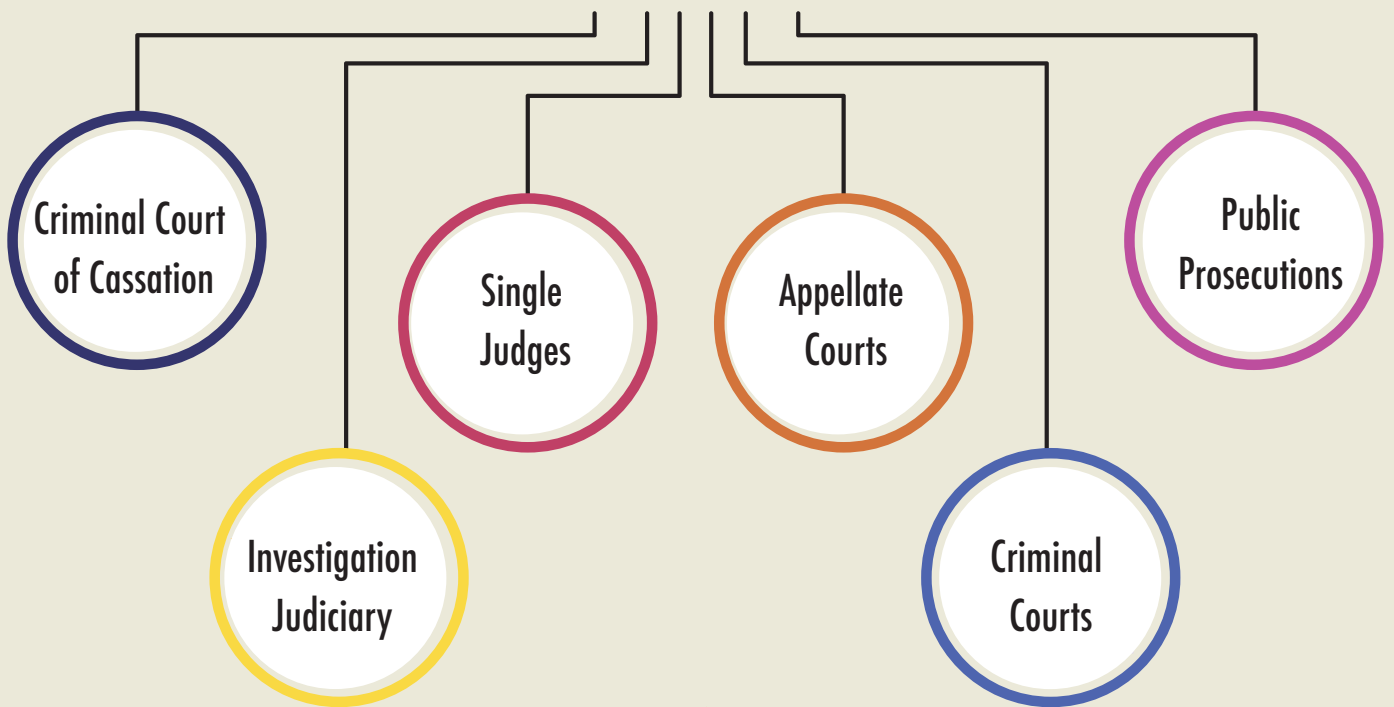
The criminal judiciary means the courts and authorities concerned with criminal offences, whether they are violations, misdemeanors, or felonies. These courts prosecute, sue, and sentence criminals. The offence is determined as a violation, misdemeanor, or felony based on the imposed penalty in the legal rule, as following:



The criminal judiciary in Lebanon is divided into two types: Ordinary criminal judiciary and exceptional criminal judiciary. Thus, in this summary we will handle these two types in some detail in terms of their formation, the jurisdiction of courts therein and other points that may come to the mind of the Lebanese citizen.

Ordinary criminal judiciary

Courts in the ordinary criminal judiciary consist of the following bodies:



Public Prosecutions

- The public right lawsuit is entrusted to the judges of public prosecutions. The lawsuit of public right means the lawsuit that aims to prosecute perpetrators and contributors to offences and apply the penalties and measures against them.



It is meant by the contributors anyone who helped and/or incited and/or intervened and/or participated in the crime. An example of that is a person named «Chadi» helping the criminal kill its victim, in this case, Chadi would also be a contributor in the aforementioned crime.



The public right is the right of the whole society from the criminal and not the right of the victim alone. It is the right required by the state because the offender, by committing the crime, has disturbed the stability, security and safety of the whole society thus, the Public Prosecution Office imposes a penalty on the offender. This right shall be fulfilled by the offender even if the victim has waived their personal right arising from the crime committed against them by the offender. For example, if a person commits a murder, the Public Prosecution office imposes a penalty on the offender.

Public prosecutions are divided into:



Public Prosecution
of Cassation

Financial Public
Prosecution

Appellate Public
Prosecution

In addition, an environmental lawyer was appointed in 2014.

We will mention each one of them in details according to the following schedule:

Public prosecutions	Their formation	Their authorities and powers
Public Prosecution of Cassation	- The Public Prosecutor of Cassation as a President (appointed by virtue of a decree taken in the Ministers' Council according to the suggestion of the Minister of Justice)	- The Public Prosecutor of Cassation is concerned with:
	- Assistant Attorney General of Cassation.	- Addressing written or oral instructions on the progress of the lawsuit of public right.
		- Criminal prosecutions that require a license or permission to carry out the prosecution from a non-judicial authority. For example: the occurrence of a dispute between the Financial Public Prosecution and the Public Administration on the criminal prosecution of a public employee, and the administration's refusal to give a license to carry out the prosecution. The Public Prosecution of Cassation has the power to decide to grant this license or not.
		- Imposing a disciplinary penalty on any public prosecutor whom he may find as negligent in his work. For example, warning him or referring him to the Disciplinary Council.
		- Carrying out the follow ups and prosecutions upon the request of the Minister of Justice.
		- Monitoring the work of the judicial police employees and verifying their proper performance. For example, verifying the investigation minutes of the judicial police.
		- Review the investigation file carried out by one of the investigative judges and asking the Public Prosecutor to carry out the revision to comply with his teachings and directions.
		- Requesting the appeal of criminal judgments or decisions.
		- Requesting the appointment of the authority and asking for transferring the lawsuit from one court to another.
		- Prosecuting the offenses referred to the Judicial Council.
		- Prosecuting the offenses committed by judges, whether resulting from or outside the job.
		- Representing the Public Prosecution at the Criminal Court of Cassation and the Judicial Council.
		- Preparing the files for retrieving criminals and referring them to the Minister of Justice, with his reports.
		- Setting a detailed report attached to the file of the person sentenced to death upon its referral to the Special Amnesty Committee.

<p>Financial Public Prosecution</p>	<ul style="list-style-type: none"> - Financial Public Prosecutor (appointed by virtue of a decree taken in the Ministers' Council according to the suggestion of the Minister of Justice) - Assistant Financial Attorney General. 	<ul style="list-style-type: none"> - Prosecuting financial offences related to the State Finance and Public Treasury Fund. Examples of these offences: Offences of embezzlement of public funds, violation of the provisions of laws of taxes and fees... - Asking the Appellate Public Prosecutor to lodge the lawsuit of public right to the investigative judges or submit the claim directly to the competent courts.
<p>Appellate Public Prosecution</p>	<ul style="list-style-type: none"> - Appellate Public Prosecutor (in the headquarters of each province, there is one Appellate Public Prosecutor). 	<ul style="list-style-type: none"> - Carrying out the initial investigations personally or by delegating it to the judicial police. - Investigating the offences that are of misdemeanor or felony type, with excluding the violation, and prosecuting the contributors to offences. - Waiving the criminal judgments or preventing their pending execution. - Rendering, interrupting or renewing the notice on search and investigation. - Representing the Public Prosecution before the Appellate and Criminal Courts. - Moving, practicing and pursuing the lawsuit of public right.

Investigation Judiciary:

In the Investigation Judiciary we will handle two topics, which are:

- a- Investigative judges
- b- Accusatory Commission



a- Investigative judges

In the headquarters of each province, there is an Investigation Department presided by the First Investigative judge helped by assistant judges who work under his supervision.

Their jurisdiction:

1- Look into the offences (misdemeanor and felony only; the Investigative judge does not consider the violations unless in conjunction with a misdemeanor or felony) referred to them either:

- ➔ By the Public Prosecution through the so-called application paper.
- ➔ The claim of the affected person directly before the Investigative judge.
- ➔ Within this scope, we shall distinguish between the functions of the Investigative judge in the flagrante delicto and the in flagrante delicto.

In Flagrante delicto

Flagrante felony: The Investigative judge shall promptly move to the place where it occurred.

If the Public Prosecutor arrives before him and proceeds with the investigations, the Investigative judge shall continue the investigation on his behalf.



During the investigations, the Investigative judge shall be granted all powers granted to the Public Prosecutor, such as: Listening to the witnesses, inspecting the houses...

Flagrante misdemeanor: The Investigative judge is entitled to interfere in the flagrante misdemeanors that require not less than a year of detention.

Flagrante misdemeanors shall be subject to the same principles applied to the case of flagrante felony.

Non flagrante delicto

The Investigative judge is not entitled to dispose the lawsuit unless in the following cases:

- Claim from the Public Prosecution
 - Direct complaint lodged by the affected person with the capacity of original claim
 - Decision on appointing the authority
 - Decision on transferring the lawsuit
- After settling the lawsuit, the Investigative judge shall carry out the proper investigations by listening to the witnesses, listening to the defendant and holding interviews...

If the Investigative judge doubts someone, he can carry out the investigations with him without the need to a prior claim from the Public Prosecution if his action was made in conjunction with the original offence under investigation. However, if the action was independent, he shall refer the file to the Public Prosecution to decide on prosecuting him.



Remark: The conjunction between offences is the link between two or more offences, where it is useful or proper to sue the perpetrators before one court for the well progress of justice, such as the theft of a house by a criminal, with the help of another person who abuses the owner of the house.

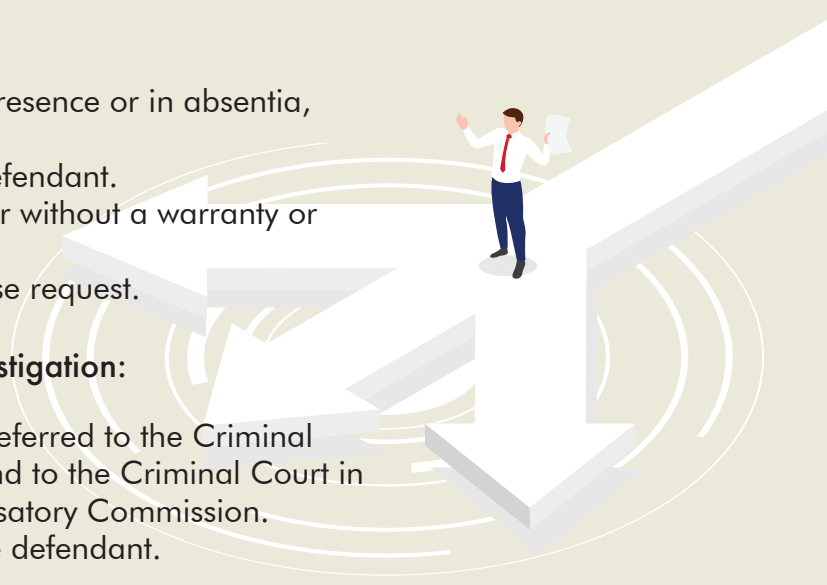
After completing the investigations, the Investigative judge issues two types of decisions:

▶ **Decisions issued during the investigation:**

- The decision to issue an arrest warrant, in presence or in absentia, against the defendant.
- The decision to continue investigating the defendant.
- The decision to release the defendant with or without a warranty or right.
- The decision to refuse the defendant's release request.

▶ **Decisions issued after completing the investigation:**

- The decision to indict the defendant. To be referred to the Criminal Single Judge in the case of misdemeanor and to the Criminal Court in the case of felony, after passing by the Accusatory Commission.
- The decision to prevent trial on behalf of the defendant.



b- Accusatory Commission:

It consists of a president who is normally the First President of Appellate Courts in the region where are they located and two consultant members.

Jurisdictions of the Accusatory Commission

In its capacity as an Investigation Commission of second degree	In its capacity as an appellate authority for the decisions of the Investigative judge + right of response	Decide on the requests for rehabilitation
<p>If the Investigative judge issues a decision on considering the action as a felony, he shall refer the file to the Public Prosecution that will deposit it at the Accusatory Commission. Then, the latter studies the</p>	<p>The Accusatory Commission is the competent appellate authority to consider the appeal addressed against the decisions of the Investigative judge.</p> <p>1- The Public Prosecution is entitled to appeal all investigation decisions issued in contrary to its requests, whether administrative, investigative or judicial, and the decision on recovering the decision of arrest for not meeting its conditions, within a delay of twenty-four hours as of the date of issuing the decision.</p> <p>2- The defendant is entitled to appeal to the following among the decisions of the Investigative judge.</p> <p>a. The decision to revoke his release request.</p> <p>b. The decision to revoke on or more of the defenses stipulated in article 73 or the Criminal Procedures Code. For example, the</p>	<p>The request for rehabilitation means cleaning the criminal record from sanctions, judgments and measurements convicted against the applicant of rehabilitation. It is commonly known as «cleaning the criminal record.»</p> <p>Every person convicted of a felony or misdemeanor may be rehabilitated by virtue of a judicial decision, provided that:</p> <p>Seven years in the case of a felony and three years in the case of a misdemeanor shall have passed since the execution of the penalty,</p>

investigations that were carried out, and it either:

- Approves on the decision of the Investigative judge.
- Considers the action as a misdemeanor or violation.
- Carries out additional investigations.
- Prevents the trial.

defense since the alleged action does not constitute a criminal offense punishable by law.

3- The plaintiff is entitled to appeal to the following decisions:

- a. The decision to accept one or more of the defenses stipulated in article 73 or the Criminal Procedures Code in case they are detrimental to him.
 - b. The decision to discharge or release the defendant with a right or bail.
 - c. The decision to prevent the trial on behalf of the defendant.
 - d. The decision to describe the alleged action as a type of violation.
 - e. The decision to recover the arrest warrant of the defendant in case of violating the rules.
- The person responsible for the money or the guarantor is not entitled to appeal against the decisions of the investigative judge, except for the decision defining the jurisdiction.
- The delay for appeal is twenty-four hours. It begins against the personal right of the plaintiff, the defendant, the person responsible for money and the guarantor as of the date when he was notified of the decision at his elected place within the region in where Investigating Judge's department is located, unless he has a real residence there.

and the period shall be doubled when the offense is repeated.

The person concerned shall submit an application to the Accusatory Commission within the scope of his residence after obtaining:

- A new criminal record statement.
- A proof of residence and good conduct from the local mayor.
- An attestation of judgment execution and a copy of the judgment from the court that issued it after the passage of the legal period as of the date of execution of the judgment.

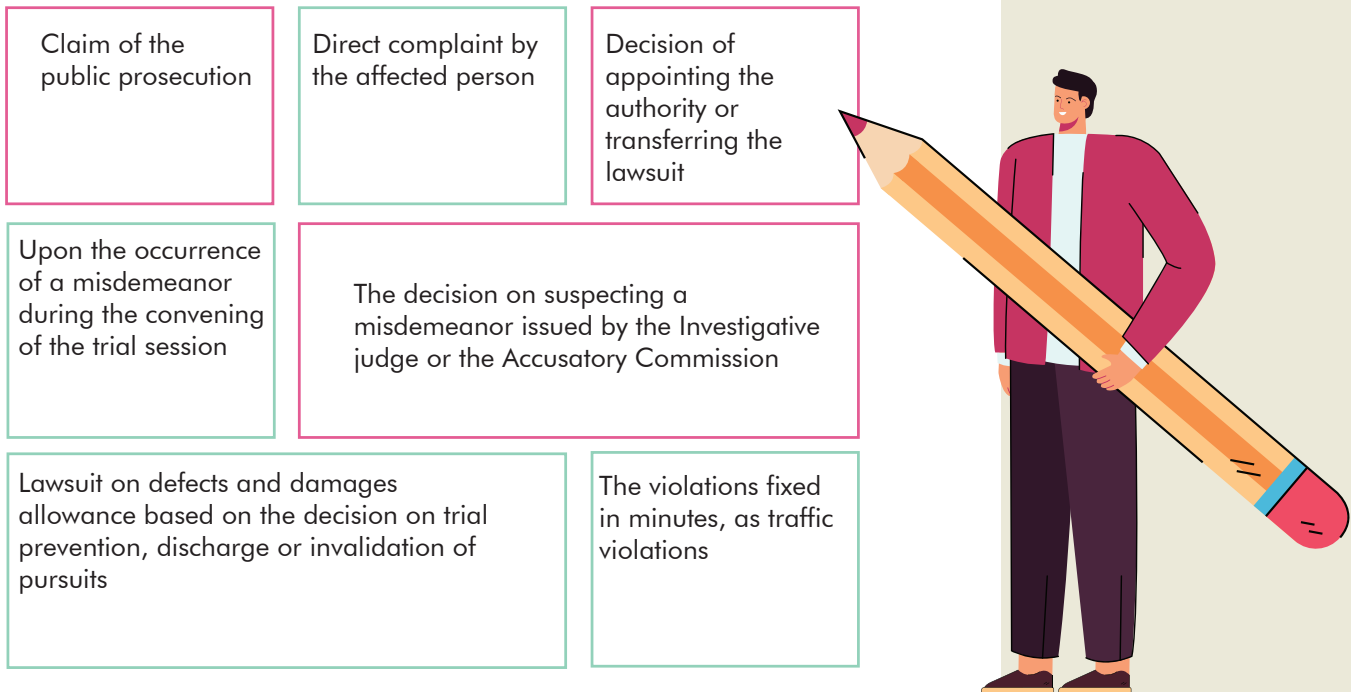
The Accusatory Commission takes the decision on the request for rehabilitation, and it considers its conditions as available and either accepts or revokes it. If the application is accepted, the cancellation decision shall be submitted to the criminal record office for implementation. If the application is revoked, the applicant will not be entitled to submit a new application before the passage of six months as of the date of being notified of the decision of revocation.



**Criminal
Single
Judges:**

In criminal cases, the First Instance Court consists of Single Judges. A judge of the second level or above only can be appointed as a Single Judge.

Their jurisdiction: The jurisdiction of the Single Judge includes the cases of misdemeanors and violations only and excludes felonies. The Criminal Single Judge interfere in the lawsuit by one of the following means:



The decisions taken by the Criminal Single Judge are divided into two types:

Decisions taken before the conclusion of trial

- Release of the arrested defendant after obtaining the opinion of the public prosecution with or without a bail
- Suspension of the effect of the arrest warrant in absentia
- Appointment of an expert

Decision taken after the conclusion of trial

- Issuance of the decision on stopping the pursuits against the defendant
- Issuance of the decision on discharging the defendant
- Issuance of an arrest warrant against the defendant if it is decided to accuse him in presentia by the penalty of detention for more than a year at least, provided that the decision on arrest shall be justified
- Punishment of the defendant

Criminal Court of Appeal:

- Within every governorate, there is one or more courts of appeal.
- The Court of Appeal consists of 3 judges: a president and two consultants.
- The public prosecution is represented before the Court of Appeal by the Appellate Public Prosecutor or an Attorney General.

Their jurisdiction:

- ➡ The Court of Appeal considers the appeal of all judgments issued by the Criminal Single Judge in the cases of misdemeanors, provided that they shall have been settled in the merits of the dispute.
However, if they were not settled in the merits of the dispute, they shall be appealed with the final judgment only.

With the exception of:

- ➡ The appeal of decisions that settle one or more of the formal defenses stipulated in Article 73 of the Criminal Procedures Code shall be accepted.
- ➡ Decisions by which the Single Judge terminates the lawsuit without addressing its subject matter.
- ➡ Decisions issued on accepting or revoking the release requests.



The Court of Appeal considers the appeal of the judgments issued by the Criminal Single Judge in the cases of violations, provided that they shall be on:

Imprisonment, preventive detention or a fine of more than five hundred thousand Lebanese pounds.

Additional or secondary penalty or personal compensations of more than five hundred thousand Lebanese pounds.

Revocation of defense stipulated in Article 73 of the Criminal Procedures Code.

Penalty for a violation correlative with a misdemeanor.



The Court of Appeal is entitled, when exercising its tasks, to listen to witnesses, interrogate the parties of the lawsuit, invite new witnesses, appoint an expert, listen to experts and carry out any new investigations it deems appropriate...

Delay of appeal:

Final judgments:

With respect to the plaintiff, defendant, responsible for money, and guarantor, the delay is 15 days:

As of the date of its issuance if it is made in presentia.
As of the date of being notified whether it is made in presentia or absentia.

With respect to the Appellate Public Prosecutor, the delay is one month:

As of the date of issuance of the judgment.

With respect to the Appellate Public Prosecution, the delay is two months:

As of the date of issuance of the judgment.

Decision on revoking or accepting the defenses stated in Article 73 of the Criminal Procedures Code:

With respect to the Public Prosecution, the delay is 24 hours:

As of the date of issuance of the decision.

With respect to the opponents, the delay is 24 hours:

As of the date of notifying the opponents of the same.



The appeal shall be submitted through a lawyer.

Decisions of the Court of Appeal:

Dissolution of the appealed judgment.

Legalization of the appealed judgment.

Criminal Courts:

In the headquarters of each governorate, there is one or more criminal courts. The Criminal Court consists of a president and two consultants. Its sessions are held in the presence of the Public Prosecutor or Attorney General and Clerk. The Criminal Court considers all offenses of felony type with associated misdemeanors which are both referred by virtue of one indictment without other misdemeanors.

This Court is not entitled to consider any criminal act not addressed in the indictment or prosecute a person without being charged thereof. The Criminal Court interferes in the lawsuit by virtue of the indictment accompanied by the claim of the public prosecution.

Trial sessions:

A preliminary interrogation session is carried out by the president or any member. Then, the public sessions will be held by the whole Commission and in the presence of the representative of the public prosecution.

The court is entitled to listen to the witnesses and experts, interrogate the witnesses and implement the memorandum of arrest or postpone its implementation until concluding the trial and interrogating the parties of the lawsuit. It is also entitled to release the arrested, prevent him from traveling and carry out any additional investigation if the findings were insufficient...

The trial sessions shall be public unless the president decides to hold them in secret to preserve public ethics and general security.

After completing trials, the Criminal Court issues its decision for accusation or discharge.



Remark: The president of the Criminal Court or the consultant therein is prohibited to hear the lawsuit if he was a judge who had previously heard the lawsuit or practiced a relevant action of prosecution or investigation or he was a member of the Accusatory Commission that issued the indictment there.

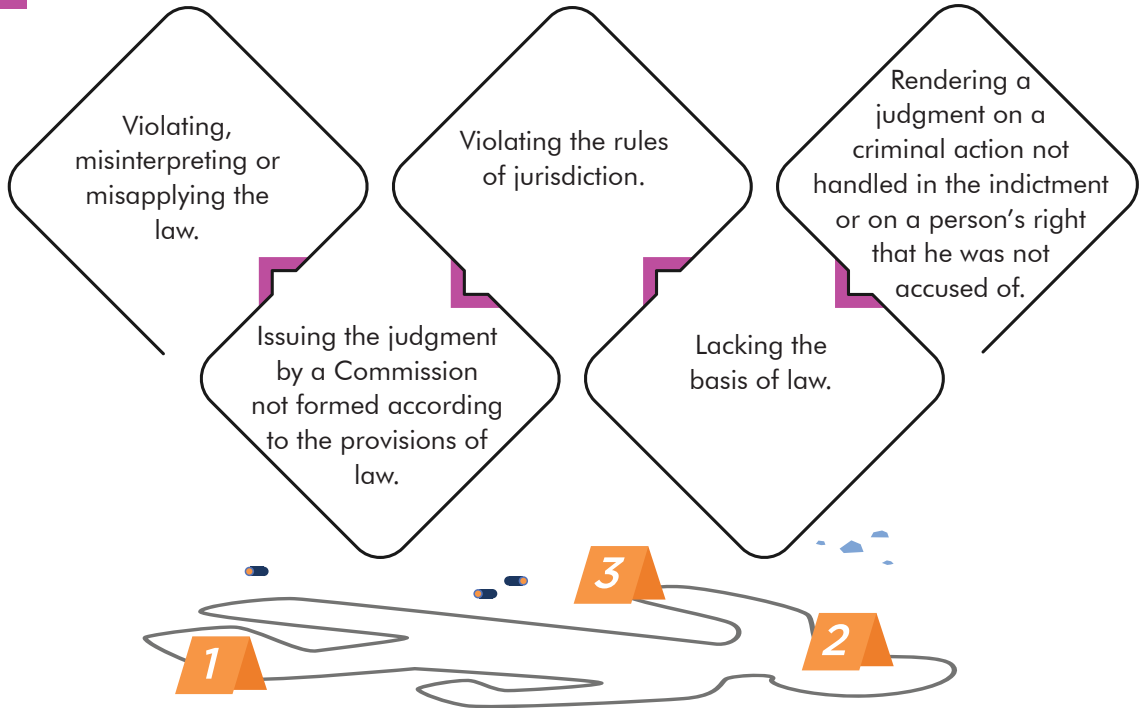


Criminal Court of Cassation:

Some causes of Cassation are different depending on whether the case is a felony, a misdemeanor or a violation and whether it was issued by the Accusatory Commission.

Causes of Cassation:

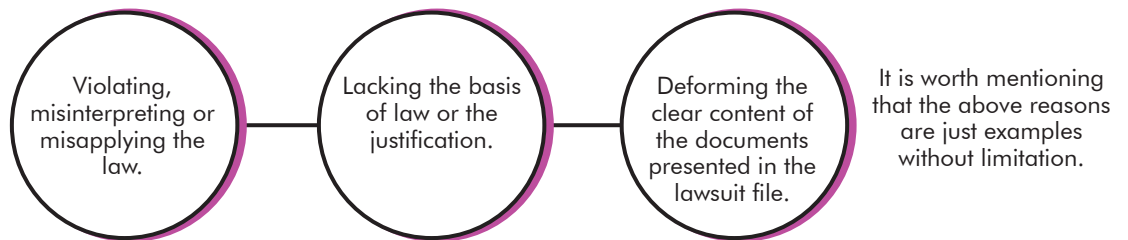
The cases of felony:



The cases of misdemeanor:



The decisions issued by the Accusatory Commission:

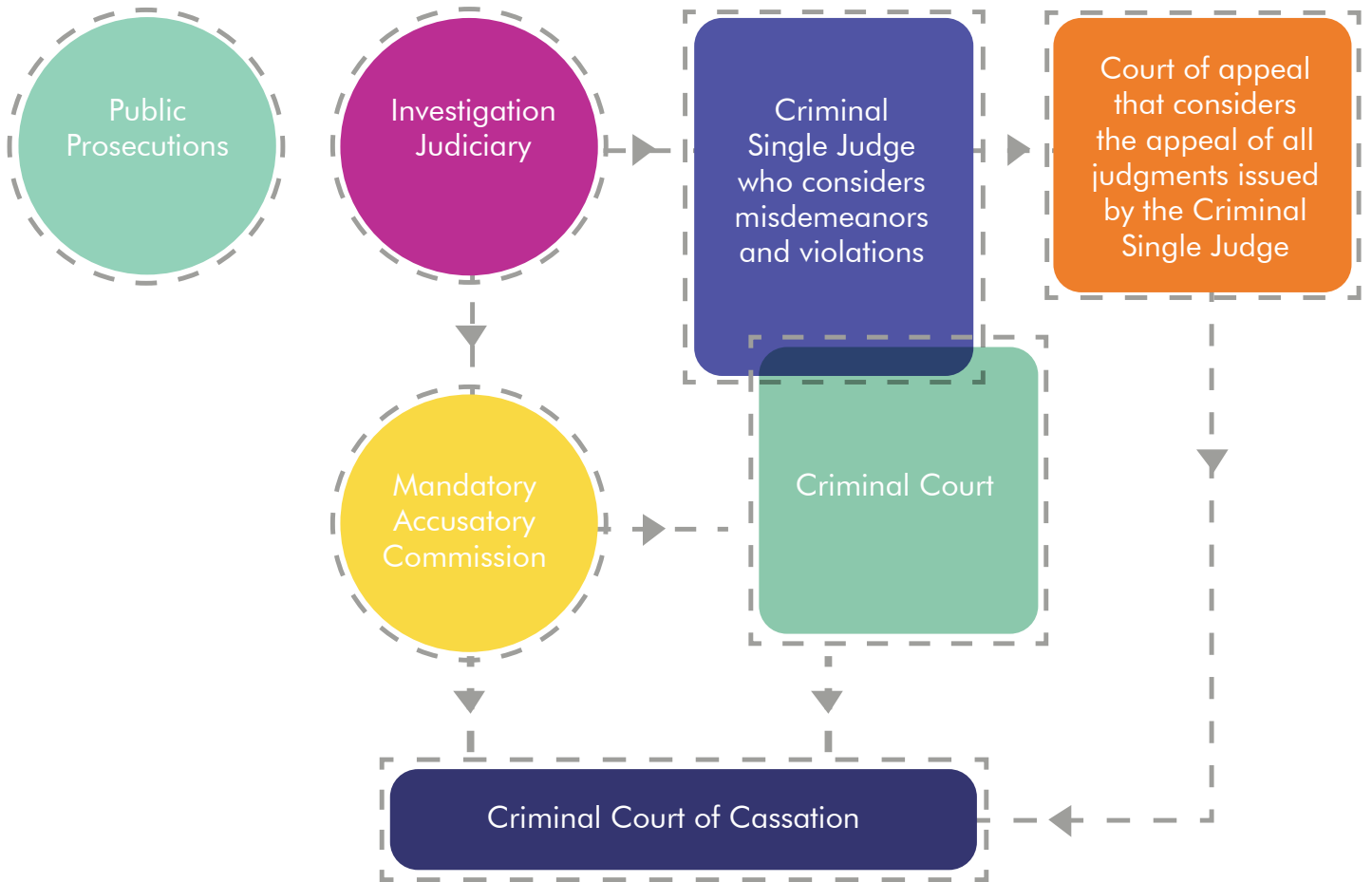


What are the decisions issued by the Court of Cassation?

- Approving on the appealed decision.
- Appealing the appealed decision.



Summary: Division of the criminal judiciary and the progress of lawsuit in this field



Rights of the accused upon arrest or detention:

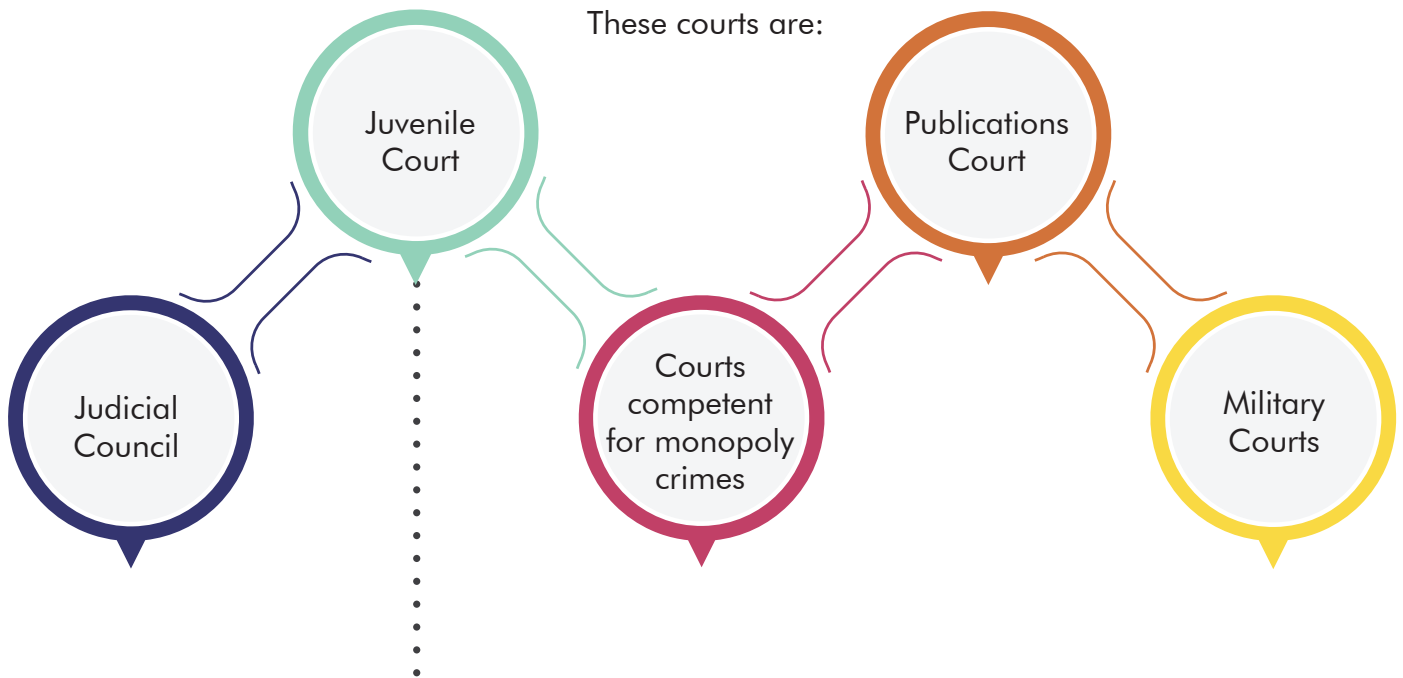
When detained or arrested, the accused enjoys some rights, including:



- Contact a member of their family, the employer, a lawyer of their choice, or one of their acquaintances.
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 -
- Interview a lawyer who appoints them with a statement to be recorded on the record without the need for a power of attorney.
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 -
- Hire a sworn translator if they do not know the Arabic language.
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- Submit a request directly, or through their representative or one of their family members, to the Public Prosecutor, to be referred to a doctor for examination. The Public Prosecutor shall appoint a doctor for them as soon as the application is submitted.
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 -
- The judicial police must inform the suspect, immediately after their arrest, of their rights noted above, and record this procedure in the record.
 -
 -
- Maintaining their safety so as to prevent the judicial police from subjecting the accused to any acts of violence or harm.

Exceptional criminal judiciary:

The exceptional criminal judiciary means the judiciary concerned with a certain category of offenses or offenses committed by certain persons or attributed them.



This court is currently governed by law no. 422 issued on June 2002 ,06 under the title of “Protecting the violating juveniles or those prone to danger”.

What does the Juvenile Court consist of?

- A Single Judge for violations, misdemeanors and certain cases in Chapter three of the Juvenile Law (Cases where the juvenile is prone to danger).
- The Civil First Instance Chamber at the First Instance Court – Criminal Division. This Chamber consists of a president and two consultants

⚡ In the headquarters of each governorate, there is a Single Judge and a Civil First Instance Chamber.




What is the jurisdiction of the Juvenile Court?

- The Juvenile Court is concerned with all criminal and civil lawsuits related to juveniles only, and they just include any person below eighteen years old or below the legal age.




Criminally: The juvenile who is criminally interrogated is the person who is seventeen years old and below eighteen years old.


- The Juvenile Court interferes in the lawsuit by one of the following means:



By virtue of the claim of the public prosecution before it.



By virtue of the accusatory decision issued by the Investigative judge in the misdemeanors.



By virtue of the indictment issued by the Accusatory Commission in felonies.



The Juvenile Court refuses the direct claim lodged before it by the affected person; however, it accepts his claim if it was a consequence of the claim of the public prosecution.

- The same rules belonging to the adult are applied before the Juvenile Court, with some differences, notably: The impossibility to investigate the juvenile without the presence of a representative of the Juvenile Protection Society.
- The spatial jurisdiction of the Juvenile Court is determined by the court where the offense occurred or the juvenile's place of residence, his domicile, the residence of his parents or the place where he was arrested, and finally the court to which the Reform Institute, the Disciplinary Institute, the institution he is enrolled in or the place of residence of the person who guards him.
- If the minor is participating with an adult in the offense, then the minor shall be tried before the Adult Court in conjunction.
- Juvenile offenses are determined according to the criminal laws. However, the imposed penalties will be reduced if the juvenile is the one who committed the offense.
- The law has mandatorily imposed the presence of a lawyer next to the juvenile in all trials. If the juvenile's family does not take the initiative to appoint a lawyer, the court may delegate a lawyer or request that from the president of the Bar Association.
- The court shall listen to the juvenile individually, and it is entitled to exempt him from attending the trial or some of its procedures if it deems it proper for his interest. Consequently, it considers the presence of his guardian, custodian or representative as sufficient.
- The trials of juvenile are conducted in secret, and only the juvenile and his father, the person who guards him, the personal plaintiff, the witnesses, the authorized social representative, the lawyers and any person authorized by the court to attend shall be present. The court issues its judgment in a public session, while the prosecution and investigation procedures are carried out in secret.
- The Juvenile Court is competent to impose measures that do not prevent liberty, such as censure and freedom of control, and measures that prevent freedom, such as reform and discipline...

Can the decisions issued against the juvenile be appealed?

It shall be distinguished between adjudicating the juvenile before an ordinary court in conjunction with an adult or adjudicating him before the Juvenile Court.

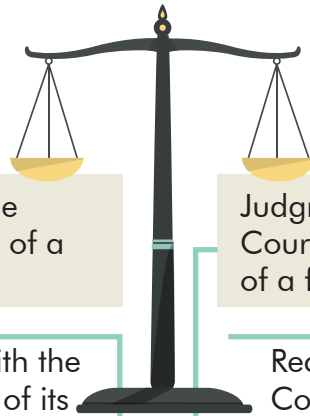
Adjudicating the juvenile before the ordinary court:

The judgments issued against the juvenile by the ordinary courts are appealable according to the ordinary means of appeal applied with respect to the adult, which are: objection, appeal...

Adjudicating the juvenile before the Juvenile Court:

Judgments issued by the Single Judge who is the Juvenile judge in the case of a misdemeanor or a violation.

Issued at the court of last instance with the ability of retrial upon the availability of its conditions.



Judgments issued by the Civil First Instance Court at the First Instance Court in the case of a felony.

Recourse is accepted at the Criminal Court of Cassation.

Publications Court:

The provisions of the Publications Law and the provisions of the law on television and radio broadcasting shall be applied before this court; otherwise, the provisions of the Penal Code shall be applied.

Of whom does the Publications Court consist of?

The Publications Court among one of the Criminal Chambers at the Court of Appeal consists of a president and two consultants.

What is the jurisdiction of the Publications Court?

- The Publications Court considers the offenses of publications stipulated by virtue of the law and committed through magazines, newspapers, radio and television institutions. Example: The offense of defamation, slander and humiliation committed through audiovisual and printed publications, the offense of intimidation through publications and threatening to reveal and disclose a certain matter, the offense of publishing false news that might disturb public peace or publishing prohibited publications such as criminal and misdemeanor investigations before being read in a public session, the proceedings of the sessions of the Ministries' Council and the confidential sessions of the Parliament, in addition to every paper belonging to a public administration of a confidential nature.



The criterion for determining the jurisdiction of the Publications Court is the fact that the crime was committed by media means through the various means of publishing.

- The Publications Court interferes in the lawsuit regarding the said offenses by any of the following means:

1 By virtue of the claim of the public prosecution lodged before it.

2 By virtue of the accusatory decision issued by the Investigative judge.

3 By virtue of a direct claim lodged by the affected person for the majority of diligence.

- The judgments issued by it shall be subject to recourse before the Court of Cassation for it is an appellate authority.
- The spatial jurisdiction shall be determined in the offenses of publications within the scope of publishing the publication and not only in a center for printing and issuing the publication.



Due to the danger caused by some offenses to the state security, the judicial council was formed.

It is an exceptional criminal court competent for considering certain offenses only.

Their formation:

The judicial council consists of three committees:

1. Judgment Committee which is the judicial council itself
2. Prosecution Committee which is the public prosecution at the judicial council
3. Investigation Committee

1 Judgment Committee	2 Prosecution Committee	3 Investigation Committee
<ul style="list-style-type: none"> • First president at the court of cassation as a president, and if he fails to do so, the appointed member with the highest rank shall carry out his presidency • Four Judges from the court of cassation appointed as members by virtue of the decree taken by the ministers' council upon the suggestion of the Supreme Judicial Council. • In addition, one or more additional judges are appointed by virtue of the same decree to replace the original judges in the case of their death, resignation, revocation or dismissal. 	<ul style="list-style-type: none"> • The public prosecution at this council is represented by the public prosecutor of cassation or his representatives from among his assistants for this purpose. 	<ul style="list-style-type: none"> • It is presided by the investigative judge who appoints a judge by a virtue of the decision taken by the minister of justice upon the approval of the Supreme Judicial Council.

In Lebanon, there is one judicial council headquartered in Beirut.

What are the powers of the judicial investigator?

- The Judicial investigator carries out the preliminary investigation in offences referred to the judicial council, and he performs the function of the investigative judge and the function of the accusatory commission.
- The judicial investigator interferes in the lawsuit objectively, which means that in case the investigation reveals the presence of a new person who had participated in the offense, he shall interrogate him as a defendant even if his name is not included in the list of claim at the public prosecution.
- The investigative judge cannot interfere in the lawsuit unless by virtue of the referral decree and claim of the public prosecution.
- In his investigations, he follows the same rules followed before the ordinary investigative judge; however, there are some exceptions, including that: The judicial investigative judge can refrain from complying with the period of arrest that the ordinary investigative judge complies with.
- He issues all warrants required by the investigation without the request of the public prosecution, and the decisions issued in this regard are not subject to any means of recourse.
- The judicial investigator shall issue the arrest warrant against the accused. If he fails to issue it, he shall, upon the request of the public prosecutor of cassation, issue it even after lodging the lawsuit. If this is not possible, the President of the judicial council shall the warrant at the beginning of the trial.
- When the judicial investigator completes his investigations, he refers the file to the public prosecution of cassation to initiate the revision. Then, the judicial investigator studies the file deeply and either accuses him and referring it to the judicial council or preventing carrying out the trial against him.



What is the jurisdiction of the judicial council?

- The judicial council interferes in the lawsuit by virtue of the decree taken in the Ministries' Council.
- The judicial council is competent to consider the following offenses:
 1. Offenses committed against the state security of the interior and the exterior. Examples include espionage, betrayal, weapons and ammunition crimes, illegal relations with the enemy - felonies against the constitution...
 2. Offenses committed against public safety, with the exception of offenses related to confidential associations, demonstrations, riot gatherings, rape and infringement on freedom of work. Examples: carrying weapons without a license, infringement of civil rights and duties...
 3. Offenses stipulated in the law of January 1958 ,11 (Provoking civil war and sectarian strife...)
 4. All offenses resulting from weapons and munitions deals that was or is held by the Ministry of National Defense and the relevant and derived offenses, notably those stipulated from articles 351 to 366 implicitly of the Penal Code, articles 377 ,376 and 378 thereof, from articles 453 to 472 implicitly thereof, and articles 138 and 141 of the military judiciary law.
- If all or some of these offenses were referred to by virtue of the referral to the judicial council, any other criminal court considering them shall immediately stop the follow up and refer the file to the judicial council where all defendants shall be adjudicated.
- The judicial council is held at the Palace of Justice in Beirut or in the place where the offense had occurred when required or any other place specified by its president in the case of failing to hold it at the Palace of Justice in Beirut.

Can the decisions of the judicial council be appealed?

The decisions of the judicial council are not subject to any means of ordinary and extraordinary recourse.

This makes the judgments strong and essential. The amnesty laws that were issued excluded offenses referred to the Judicial Council.

Courts competent for monopoly crimes:



Monopoly can be defined as seizing the items or goods and refraining from selling them until their price increases or they become unavailable in the market regardless of the people's need for them for political or economic purposes, etc...

This court consists of a president and two consultants.

It is a chamber of the Criminal court of appeal, where it is initially found in the headquarters of each province.

The relevant judicial investigator is appointed by virtue of the decision of the Minister of Justice.

The appellate public prosecution is represented there by the appellate public prosecutor or any attorney general or his assistants.

Are the provisions of the courts competent for monopoly crimes appealable?

The provisions of the courts competent for monopoly crimes are not subject to any means of recourse except the objection.

Military Courts:

Their formation:

These courts consist of the following divisions:

The government commissioner and his assistant.

Military investigative judges.

Military single judges.

Permanent Military Court.

Military Court of Cassation



Military Public Prosecution or the government commissioner and his assistants:

There is one government commissioner at the Military Court of Cassation, who is the public prosecutor of cassation or his representative.

There is one government commissioner at the Permanent Military Court, who is the judge of eleventh degree and above helped by other judges or officers.

Judges are formed by virtue of a decree of judicial formations. However, officers are appointed by virtue of the decision of the Minister of Defense, provided that they shall hold the Bachelor's degree in Law and be ranked as a Captain or more.

The government commissioners play the role of the public prosecution at the military courts, and they have the powers of the appellate public prosecutor without contradicting the military judiciary law.

The president of such commissioners and their assistants is the public prosecutor at the Court of Cassation.

Until this day, there are no military public prosecutions in the provinces or districts.

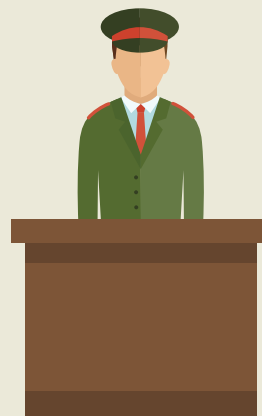
Military investigative judges:

- In Lebanon, there are military investigative judges only in the headquarters of the Military Court in Beirut. They are divided into investigative judges and First investigative judge.
- The military investigative judges and the first military investigative judge practice the same powers practiced by the judicial investigative judges.
- Investigative judges can be appointed by virtue of the decree of judicial formations or the officers licensed at law.
- Lawsuits are referred to the investigative judges by virtue of an application paper by the government commissioner before the Military Court.



Military Single Judges:

- In the headquarters of provinces include military single judges whose positions are determined by virtue of the decision of the Minister of Defense.
- Military single judges are appointed from among the judiciary cadre; however, they can be appointed from among the officers licensed at law with the rank of First Lieutenant and above. Single judges can be appointed from among the officers not licensed at law.
- The military single judge is competent to consider offenses committed on the land of the province where he is appointed. He considers the following offenses:
 - He considers all violations and misdemeanors stipulated in the Traffic Law and committed within the scope of each province by persons who are subject by virtue of this law to the military judiciary.
 - Other misdemeanors included in the jurisdiction of the military judiciary, if the relevant penalty does not exceed the fine or imprisonment up to one year or these two penalties.



Permanent Military Court:

Formation of the Permanent Military Court:

The formation of the Permanent Military Court differs between the lawsuits of felony and misdemeanor.

Lawsuits of felony

- An officer with the rank of lieutenant colonel or above, as a president.
- Four members, including a judge from the cadre of judiciary of the thirteenth degree and above, and three officers with the rank below the rank of the president.

Lawsuits of misdemeanor

- An officer with the rank of not below the rank of lieutenant colonel and above, as a president.
- A judge of the thirteenth degree and above.
- An officer without the rank of a president. The Government Commissioner is represented before this court either personally or through one of his assistants.

- In Lebanon, there is only one Permanent Military Court headquartered in Beirut – facing the National Museum.
- It interferes in the lawsuit by virtue of the accusatory decision issued by the military investigative judge.
- The Permanent Military Court is competent to consider:
 - All offenses falling outside the region of military single judges.
 - Applications of rehabilitation.
 - An appellate authority to appeal the decisions of the military investigative judges.

Military Court of Cassation:

In Lebanon, there is one Military Court of Cassation headquartered in Beirut – facing the National Museum.

The Military Court of Cassation considers the applications of appeal of the judgments issued by the Permanent Military Court.

The formation of the Military Court of Cassation differs between the lawsuits of felony and misdemeanor.

Lawsuits of felony

- A judge from among the cadre of the judiciary of the seventh degree and above, who is appointed by the first president of the Court of Cassation, as a president. In the case of his absence, a provisional judge shall be appointed in the same way to replace him.
- Four member officers with the rank of lieutenant colonel and above.

Lawsuits of misdemeanor

- A judge from among the cadre of the judiciary of the seventh degree and above, who is appointed by the first president of the Court of Cassation, as a president. In the case of his absence, a provisional judge shall be appointed in the same way to replace him.
- Two member officers with the rank of lieutenant colonel and above. The government commissioner before the Military Court of Cassation shall be represented in this case.

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