

THE LEBANESE CITIZEN'S GUIDE ABOUT
THE SPECIAL COURTS



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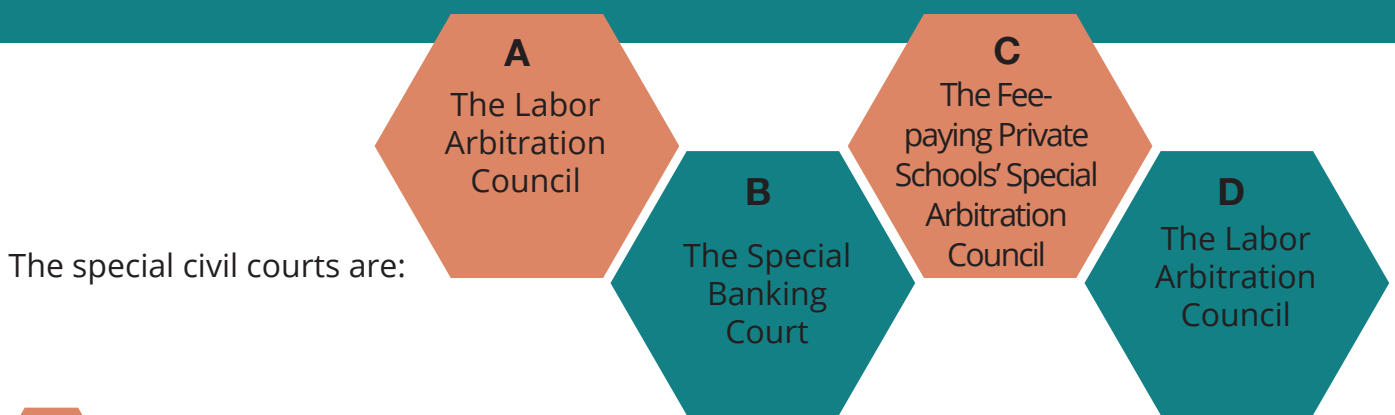
The judiciary in Lebanon consists of regular courts and special courts or what are known as the exceptional courts.

The special courts, as the regular courts, are divided into two types: civil courts and criminal courts.

The special civil courts differ from the special criminal courts in terms of their composition, their jurisdiction, and their representative body among other things.

In answer to the various questions that citizens might ask about the special courts, we have tried, in this booklet, to provide you with all the pieces of information that would help you understand the nature of these courts.

1 THE SPECIAL CIVIL COURTS



A THE LABOR ARBITRATION COUNCIL

Since the Lebanese legislator deemed it inappropriate to subject the labor issues to the regular courts, he established the so-called Labor Arbitration Council.

It is an exceptional court that intends to facilitate litigation for laborers, considered the disadvantaged party in labor relations, and to guarantee their right to protection as established by law. Therefore, the Labor Arbitration Council is a special court that deals with disputes arising from the application of an employment contract between an employee and an employer, and the National Social Security Fund (NSSF) is often dragged into the case.

WHAT DOES THE LABOR ARBITRATION COUNCIL CONSIST OF?

The Labor Arbitration Council consists of judges and non-judges (representing “the employees”, “the employers” and “the government”), according to the following distribution:

- **PRESIDENT:** a judge of eleventh degree and above; appointed by virtue of a decree based on the suggestion of the Minister of Justice and the approval of the Supreme Judiciary Council.
- **TWO MEMBERS:** a representative of the employers and a representative of the employees; appointed by virtue of a decree based on the suggestion of the Minister of Labor.
 - + Two associate members are appointed, one is an employee and the other is an employer, to replace the original representative in case of the latter’s failure to attend or absence. They are appointed by virtue of a decree based on the suggestion of the Minister of Labor.
- **GOVERNMENT COMMISSIONER:** Is an employee of the third category in public administrations, and he shall be a holder of the Bachelor’s Degree in Law. The government commissioner shall be appointed by virtue of a decree based on the suggestion of the Minister of Labor.

In the center of each province, one or more Labor Arbitration Councils are constituted. The number of chambers of the Labor Arbitration Council in Lebanon is 15 chambers, divided in the following manner:

Beirut/ Palace of Justice Beirut	5	Nabatieh/ Palace of Justice NabatiehBekaa	1
Mount Lebanon/ Palace of Justice Baabda	3	Palace of Justice Zahle	1
North/ Serail Tripoli	2	Akkar/ Serail Halba	1
South/ Serail Saida	1	Baalbeck Hermel/ Serail Baalbeck	1



WHAT IS THE TERM OF THE MEMBERS OF THE LABOR ARBITRATION COUNCIL AND ITS EXPIRY DATE?

- ✓ The term of the original and associate members of the Labor Arbitration Council is three renewable years.
- ✓ The term of the membership of the members of the Labor Arbitration Council might expire before the end of the duration of their appointment by virtue of a decree based on the suggestion of the Ministers of Labor and Justice, on condition of the availability of certain cases stated in the third article of decree no. 1962/9931, which are:
 - The member's submission of his resignation to the Ministry of Labor.
 - Lack of one of the conditions of appointment stated in paragraphs 1 and 3 of article 79 of the Labor Law.
 - Absence of the member from attending one session without a legitimate excuse.
 - The member has committed a serious mistake, incompetence or gross negligence in performing his job.



WHAT IS THE JURISDICTION OF THE LABOR ARBITRATION COUNCIL?

According to the text of article 79 of the Labor Law issued on September 1946 ,23 (amended), the Labor Arbitration Council is competent to consider:

In general, any disagreement between employers and employees on the application of the Labour Law.

Disputes arising from termination of employment, dismissal, and imposition of fines.

Disputes arising from work emergencies stipulated in the decree-law no. 25 issued on May 04, 1943.

Disputes arising from the determination of the minimum wage.

According to the text of the second article, attached to the first article, of the law related to the jurisdiction of the Labor Arbitration Law and issued on October 21, 1980, the latter is competent to consider:

Individual work disputes resulting from work relations in the concept of article 624 – first paragraph – Law of Obligations and Contracts (stating that the lease of work or service is a contract by which the contractor abides by the fact of performing his work in favor of the other party and under his management, in return of a wage that this party commits to pay to him)

Disputes and conflicts stipulated in article 85 of the Social Security Law (those provoked by the application of the Social Security Law, whether resulting between the guaranteed persons and the employers, or between the fund and the guaranteed persons or the employers).

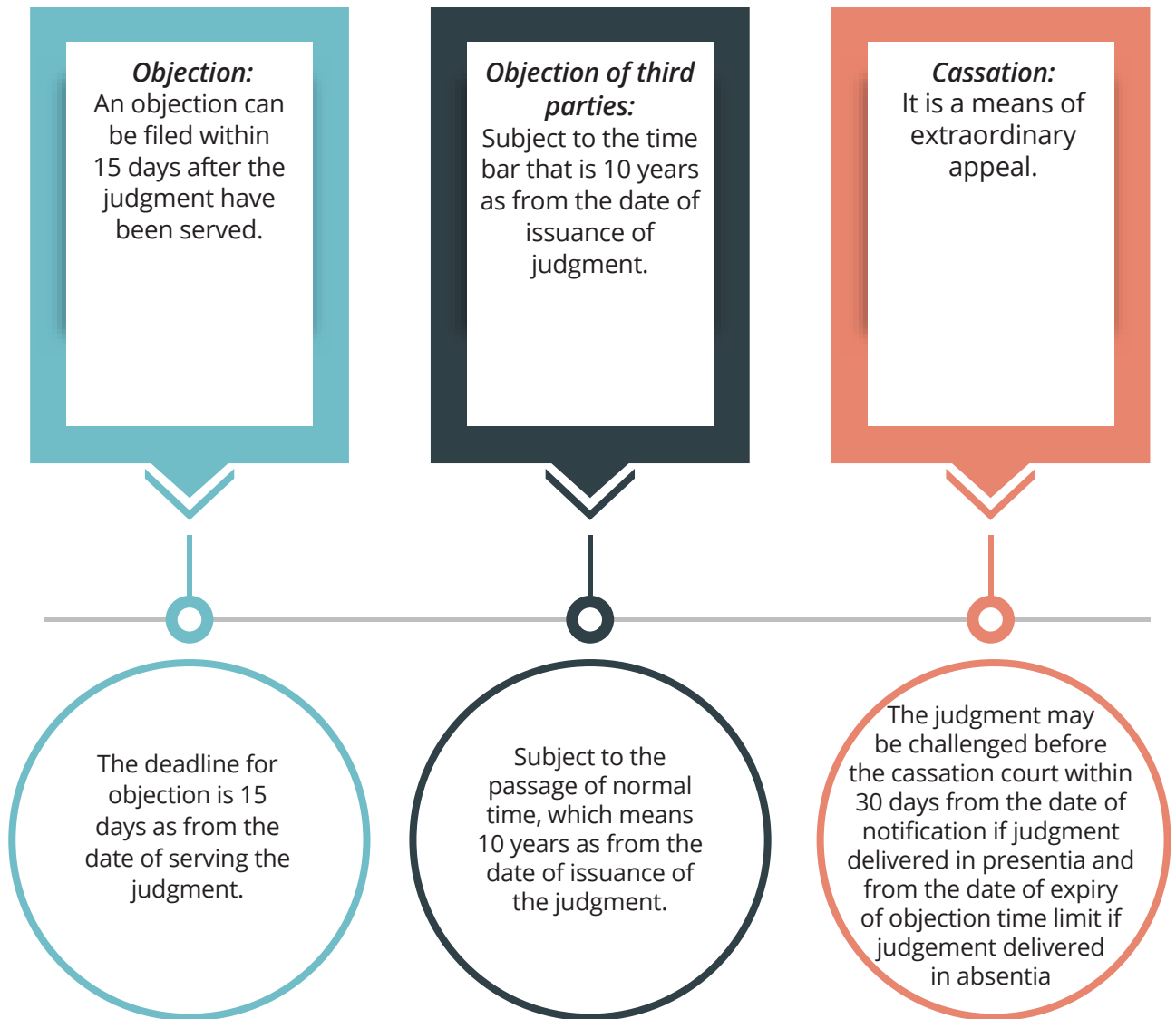


Individual work disputes mean the work disputes arising between the worker or the employee and the employer on executing the work relation that connects both parties and resulting from violation of the right legally set or a party's failure to execute his liabilities. The legislator defines the work disputes as those resulting from individual employment contracts, which means the contract between the employee and the employer as a result of a dual negotiation between the contract parties.

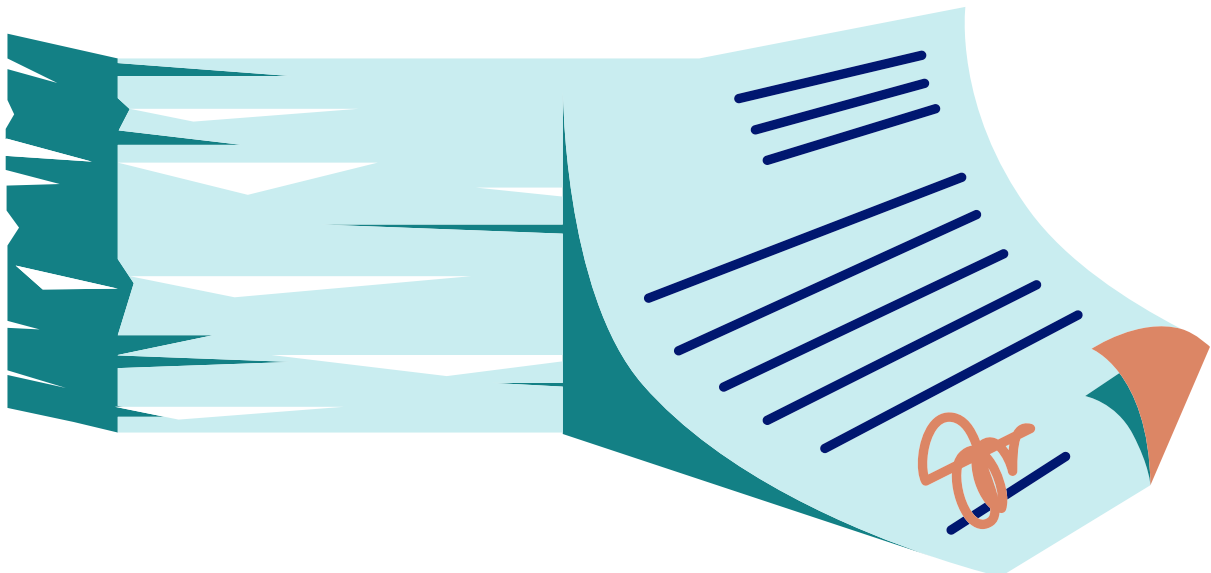
Individual work disputes differ from collective work disputes, where the latter, according to the definition of the decree of 1964, are based on two conditions: the first is that a party to the dispute is a group of employees, and the second is that the object of dispute handles a collective interest. Collective work disputes can be solved through mediation and arbitration.

ARE THE DECISIONS OF THE LABOR ARBITRATION COUNCIL APPEALABLE?

The judgments of the Labor Arbitration Council do not accept any means of recourse or appeal except:



! *The cassation court must render its decision within a maximum period of six months from the date of expiry of notification since labor cases cannot be delayed.*





WHAT ARE THE DEADLINES FOR SUBMITTING THE LAWSUIT TO THE LABOR ARBITRATION COUNCIL?

Lawsuit	Deadline	Place for submitting the lawsuit	Remarks
Arbitrary dismissal from work	One month	Registry of the Labor Arbitration Council (available in the Palace of Justice) in the region of the establishment where the employee works (work place of the employee)	The employee shall submit the lawsuit of arbitrary dismissal within a time-limit of one month dating from his notification of termination under the penalty of forfeiting his right to claim compensation for arbitrary exchange. -The Labor Arbitration Council shall adjudicate within a maximum time-limit of three months. (but practically no one abides by this deadline).
Work emergencies	One year as from the occurrence of the accident, completion of the investigation or interruption of temporary compensation.	Registry of the Labor Arbitration Council (available in the Palace of Justice) in the region where the accident occurred.	-The employer shall submit a declaration about the work emergency caused to the employee within 3 days as from the occurrence of the emergency and the injury to the employee. -The employee shall submit a medical report to the Registry of the Labor Arbitration Council detailing the nature of injury and all its consequences. It is noteworthy that the law did not impose a certain deadline on the employee to submit the medical report.
Demand of compensations, wages and their supplements	Two years	Registry of the Labor Arbitration Council (available in the Palace of Justice) in the region where the accident occurred.	The time-limit applies from the date of termination of the contractual relationship
Other requests	Ten years	Registry of the Labor Arbitration Council (available in the Palace of Justice) in the region of the establishment where the employee works (work place of the employee)	

WHAT ARE THE ADVANTAGES OF LITIGATION BEFORE THE LABOR ARBITRATION COUNCIL?

The purpose of litigation before the Labor Arbitration Council is to protect the employee since he is considered the weaker party. Therefore, in order to fulfill this purpose, the legislator gave the litigation before the Labor Arbitration Council many advantages that are unavailable in the litigation before the ordinary judiciary. These advantages include the following:

-  Exempting the labor lawsuits submitted before the Labor Arbitration Council from judicial fees and financial stamp fee, without the trial expenses that shall be assumed by the losing party.
-  The speed to settle the dispute: This means that the law has imposed on the Labor Arbitration Council the issuance of judgments in the cases lodged before it within a legally fixed deadline, which is "relatively short"; thus, it gave it a maximum period of three months to settle the dispute pending before it. The purpose is to decide on cases as soon as possible because the wage earner, in many cases, is unable to wait for the issuance of the judgment for a long time due to his modest financial situation.

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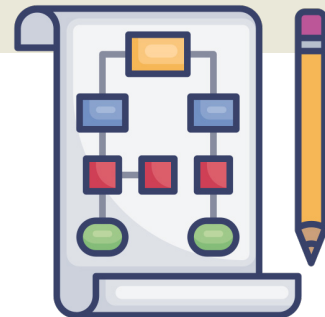
- 🎯 Simplifying court procedures: This means the possibility of filing the lawsuit before the Labor Arbitration Council and appearing before it directly and without the assistance of a lawyer. However, it is advisable to appoint a lawyer because the employee, in many cases, may not be aware of his rights and the legal principles and procedures.
- 🎯 The appeal does not interrupt execution: This means the possibility of starting the execution of judgments before the Labor Arbitration Council despite of appealing them.

B SPECIAL BANK COURT

The Special Bank Court was established by virtue of the law “reforming the bank status” in 1991 by virtue of law no. 110/ 91.

WHAT DOES THE SPECIAL BANK COURT STATED IN ARTICLE 2 CONSIST OF?

- | | | | |
|---|--|---|---|
|  | A judge of second degree and above (president) |  | An expert in bank affairs who has at least 10 years of experience suggested by the Governor of Banque du Liban (member) |
|  | Two judges of the fourth degree and above (members) |  | Three reserve judges (a president and two members) |
|  | An expert in financial or accounting affairs who has at least 10 years of experience suggested by the Minister of Finance (member) | | |



- *The president and other members are appointed by virtue of a decree based on the suggestion of the Minister of Justice after obtaining the approval of the Supreme Judicial Council. However, the two remaining members are appointed by virtue of a decree based on the suggestion of the Minister of Finance.*
- *The Special Bank Court is headquartered in Beirut.*

WHAT IS THE JURISDICTION OF THE SPECIAL BANK COURT STATED IN ARTICLE 2?

Disposal, upon a referral justified by the Governor of Banque du Liban, on any bank if it appears that its status no longer enables it from performing its activities.



ARE THE DECISIONS ISSUED BY THE SPECIAL BANK COURT STATED IN ARTICLE 2 APPEALABLE?

The decisions of the Special Bank Court issued within at utmost delay of 20 days as from the date of receiving the referral are definite and rendered, and they do not accept any means of ordinary or extraordinary recourse, and these decisions are urgently executed on their original.

C

THE ARBITRATION COUNCIL RELATED TO PRIVATE PAID SCHOOLS

The law on “freezing school premiums from private paid schools” stated this council.

This law has stated the establishment of special arbitration councils, with one council for each pedagogical region.

WHAT DOES THE ARBITRATION COUNCIL RELATED TO PRIVATE PAID SCHOOLS CONSIST OF?



A judge (president)

Two consultants: one representing the owners of schools and the other representing the parents’ committees or guardians of students in the pedagogical region, and each of them has an alternate.

- The members of the council are appointed by virtue of a decree based on the suggestions of the Ministers of Justice and Education.
- A government commissioner delegated by the Minister of Education from among the employees of third category and above who work at the Ministry represent the government before the Arbitration Council.



WHAT IS THE JURISDICTION OF THE ARBITRATION COUNCIL RELATED TO PRIVATE PAID SCHOOLS?



The Labor Arbitration Council considers, based on the recourse made by the Minister of Education, the parents’ committee or any damaged person



All disputes arising from the application of the law on freezing school premiums in private paid schools, except the forgery in statements and data since it falls within the jurisdiction of Ordinary Criminal Courts.

ARE THE DECISIONS ISSUED BY THE ARBITRATION COUNCIL RELATED TO PRIVATE PAID SCHOOLS APPEALABLE?

The judgments issued by the Arbitration Council do not accept any means of recourse except objection.

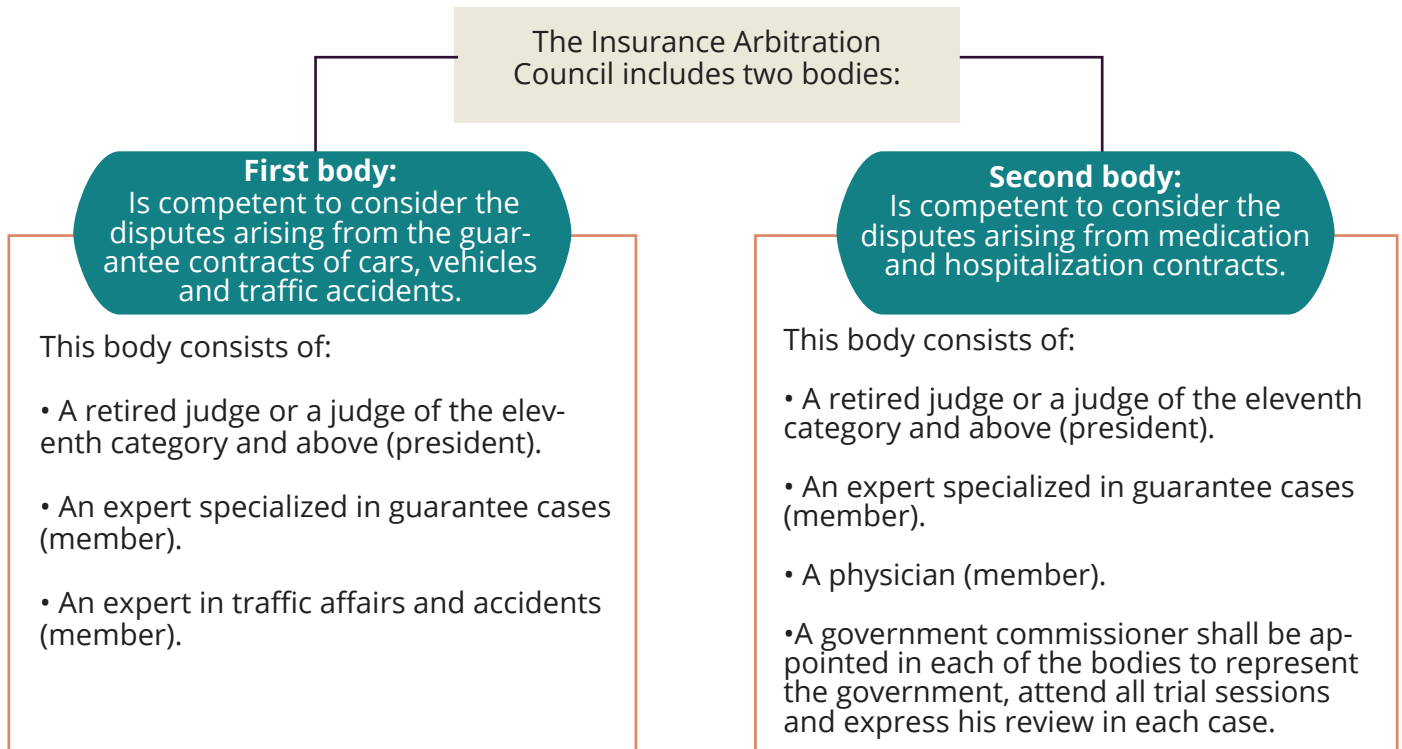


D INSURANCE ARBITRATION COUNCIL

The law on “freezing school premiums from private paid schools” stated this council.

This law has stated the establishment of special arbitration councils, with one council for each pedagogical region.

WHAT DOES THE INSURANCE ARBITRATION COUNCIL CONSIST OF?



WHAT IS THE JURISDICTION OF THE INSURANCE ARBITRATION COUNCIL?

The jurisdiction of the Insurance Arbitration Council does not include all guarantee contracts; however, the law limited the jurisdiction of the Insurance Arbitration Council to considering the disputes related to financial claims arising from (1) Medication and hospitalization guarantee contracts, (2) guarantee contracts of cars, vehicles and traffic accidents, that meet the two following conditions:

The value of the claim shall be less than seventy-five million pounds.

The plaintiff should have already lodged a lawsuit related to the same case before the Judicial Judiciary.

ARE THE DECISIONS ISSUED BY THE INSURANCE ARBITRATION COUNCIL APPEALABLE?

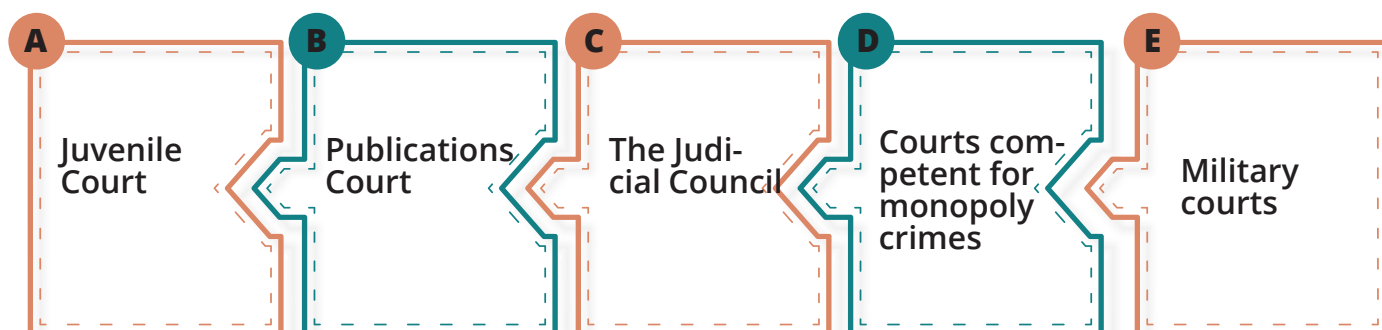
The decisions issued by the Insurance Arbitration Council do not accept any means of recourse except objection, objection of third parties and cassation.

Now, after handling the Special Civil Courts regarding their formation, jurisdiction and other matters, we will discuss the Special Criminal Courts that play an essential role in the Lebanese judicial formation.



2 SPECIAL CRIMINAL COURTS


The Special Criminal Judiciary means the judiciary that considers a certain category of crimes or the crimes committed by certain persons or attributed to them according to their capacity. These courts are:





A JUVENILE COURT

The organization of this court and its work principles are governed by Law No. 422 issued on June 06, 2002 under the title of "Protecting the violating juveniles or those prone to danger."

WHO DOES THE JUVENILE JUDICIARY CONSIST OF?


 A single judge who considers violations, misdemeanors and certain cases in Chapter three of the Juvenile Law (i.e., the Juvenile Protection Law granted the single judge solely the competence to consider the file of protection of juvenile 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 province, there is a Single Judge and a Civil First Instance Chamber that considers juvenile cases.

WHAT IS THE JURISDICTION OF THE JUVENILE COURT?

 The Juvenile Court has the jurisdiction to consider the public right lawsuit aiming at prosecuting criminals among juveniles who have not yet reached the age of eighteen when committing the crime, as well as the personal right lawsuit lodged according to the public lawsuit. The Juvenile Court refuses the direct claim lodged before it, but rather allows enables the victim of the criminal offense to include his civil lawsuit in the public right lawsuit lodged before it. However, this prohibition is limited to the claim before the "juvenile courts". Thus, it is possible to file the personal right lawsuit and move the public lawsuit against the juvenile before another authority, as the single judge if the juvenile and an adult participated in the same crime.

⚡ In criminal terms, the juvenile who is criminally questioned is the one who has reached seven years old but hasn't reached eighteen yet. As for the application of the provisions of protecting the juvenile prone to danger, they are applied to him regardless of his age, whether he has completed seven years old or not.

▶ The Juvenile Court shall dispose the lawsuit issued by virtue of the indictment issued by

The Accusatory Commission in felonies

The Single Judge who considers juvenile cases shall also dispose the case according to the of the Public Prosecution before it

Virtue of the accusatory decision issued by the investigating judge.

! *However, in case the juvenile participates with an adult in one or combined crimes, the juvenile court shall impose measures and penalties on the juvenile, after concluding the judgment of the ordinary court against him and after listening to him.*

▶ The spatial jurisdiction of judicial authorities in juvenile cases is determined as follows: 1- The place where the crime occurred. 2- The juvenile's place of residence, home address, family's home address or the place of his arrest. 3- The location of the Correctional and Disciplinary Institute, the institution where he was out in or the person to whom he was handed over.

▶ If the minor participates with an adult in one or combined crimes, the juvenile and the adults shall be subject to the procedures of prosecution, investigation and trial before the competent ordinary authority to proceed with the trial of the adult.

▶ The same rules followed in the prosecution of the adult and established in the Code of Criminal Procedure are applied before the Juvenile Court, with some differences, notably: The impossibility to investigate the juvenile without the presence of a certified social representative or a representative of one of the juvenile categorized associations in the Ministry of Justice

▶ Juvenile crimes are defined in the penal code and its complementary penal legislations. However, the imposed penalties are reduced if the juvenile is the one who committed the crime.

▶ 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 and impose reduced penalties in addition to precautionary measures.



CAN DECISIONS ISSUED AGAINST JUVENILES 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, cassation and retrial.

• 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.

With regard to the penal part, judgments are issued in the last degree with the ability to re-trial when the conditions are met in accordance with the Code of Criminal Procedure. As for civil obligations, the judgments are subject to appeal before the Court of Appeal within the time limits and in accordance with the rules of appeal stipulated for such a case in the Code of Criminal Procedure, that is, before the Court of Criminal Appeal.

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 in accordance with the conditions stipulated in the Code of Criminal Procedure.



B 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.

WHO DOES THE PUBLICATIONS COURT CONSIST OF?

The functions of the Publications Court are performed by **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 or persons or bodies harmed therefrom.



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

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.

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.

C JUDICIAL COUNCIL:

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.

WHO DOES THE PUBLICATIONS COURT CONSIST OF?

The judicial council consists of three committees:

- } Judgment Committee which is the judicial council itself
- } Prosecution Committee which is the public prosecution at the judicial council
- } Investigation Committee

1

Judgment Committee (the judicial council itself)

- 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.

2

Prosecution Committee

The public prosecution at this council is represented by the public prosecutor of cassation or his representatives from among his assistants for this purpose.

3

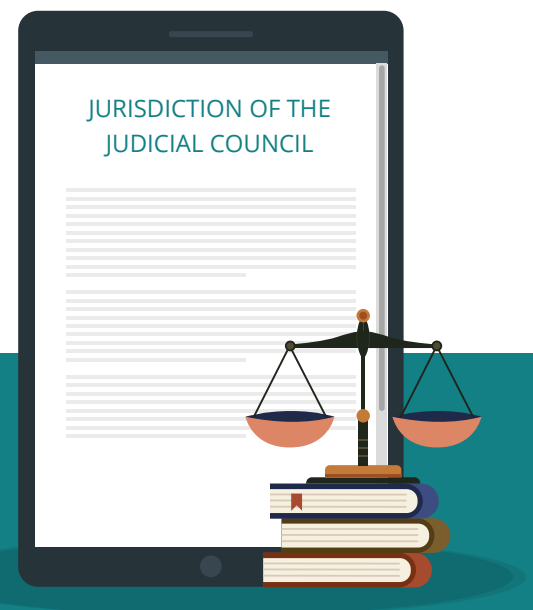
Investigation Committee

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.

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.

WHAT ARE THE POWERS OF THE JUDICIAL INVESTIGATOR?

- The Judicial investigator carries out 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.
- 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.
- 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.
- The Judicial Investigator takes control of the case based on the referral decree taken in the Council of Ministers and the appeal of the Public Prosecutor of Cassation.
- In his investigations, he follows the same rules followed before the ordinary investigative judge; however, he is not bound by the period of detention imposed on the investigative judge based on Article 108 of the Code of Criminal Procedure.
- 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 issue the warrant at the beginning of the trial.



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, 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: infringement of civil rights and duties...

3- Offenses stipulated in the law of January 11, 1958 (Provoking civil war and sectarian strife...)

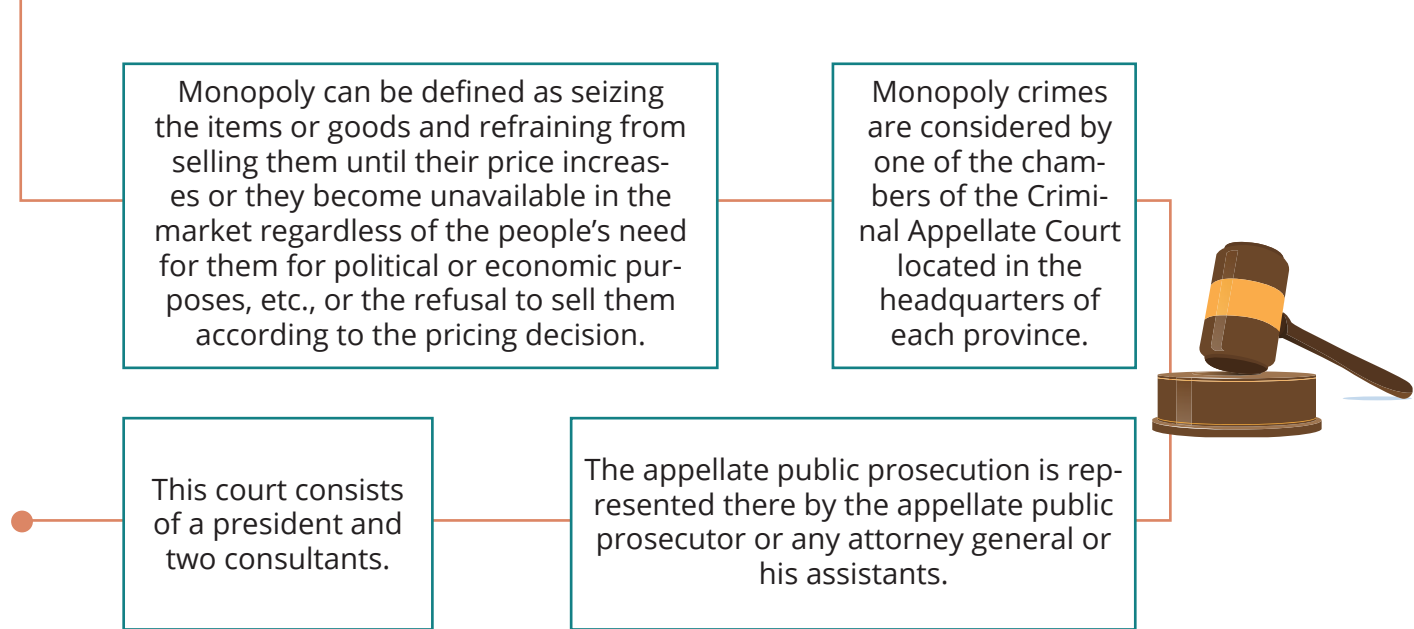
4- All offenses resulting from weapons and munitions deals that was or is held by the Ministry of National Defense and the relevant and derived offenses, notably those stipulated from articles 351 to 366 implicitly of the Penal Code, articles 376, 377 and 378 thereof, from articles 453 to 472 implicitly 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, with the exception of objection and retrial.

D COURTS COMPETENT FOR MONOPOLY CRIMES:



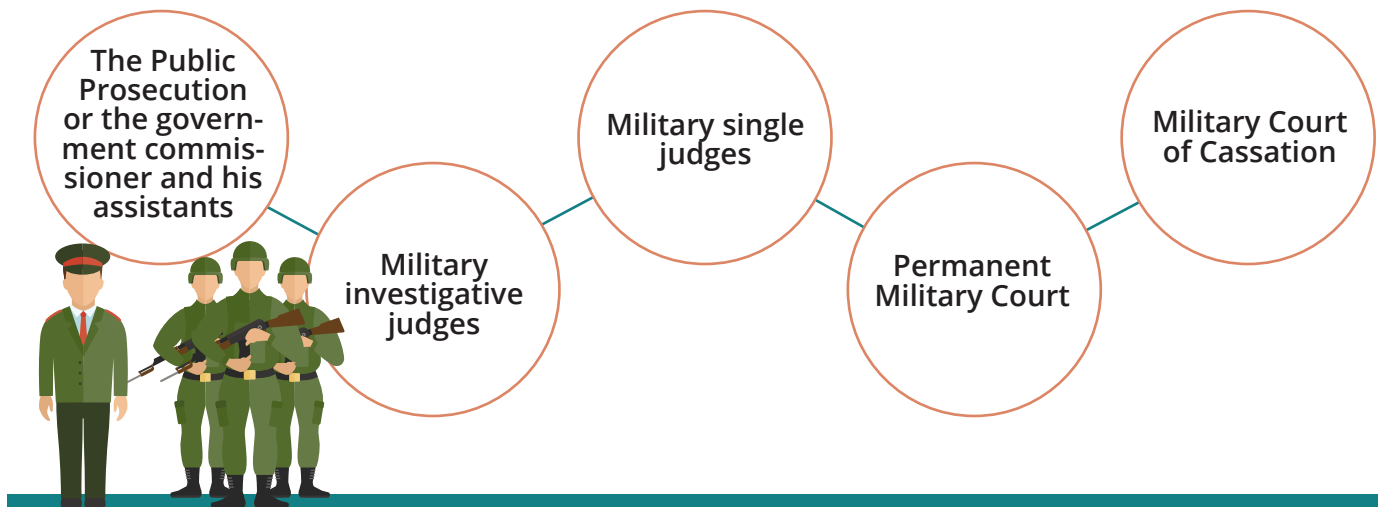
ARE THE PROVISIONS OF THE COURTS COMPETENT FOR MONOPOLY CRIMES APPEALABLE?

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



D MILITARY COURTS:

WHAT ARE THE MILITARY COURTS COMPOSED OF?



1- THE 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 from his assistants for this purpose.
- There is one government commissioner at the Permanent Military Court, who is the judge of sixth degree and above helped by other judges or officers.
- Judges in the military judiciary are appointed from among the magistrates' judges by virtue of a decree based on the proposal of the Ministers of Justice and National Defense and after taking the approval of the Supreme Judicial Council. As for the officers, they are appointed by a decision of the Minister of Defense. As for the officers included in the formation of the permanent military court and the military court of cassation, they shall have the rank of lieutenant colonel and above.
- As for the officers who may assume the role of investigative judges, the law only imposed the condition of holding the bachelor's degree in law without specifying their rank. Finally, single military judges can be appointed from officers who also have a bachelor's degree in law with the rank of first lieutenant or above, and if this is not possible, then those who do not have a bachelor's degree are appointed.
- Government commissioners exercise the role of the Public Prosecution before the military courts, and they have the powers of the Appellate Public Prosecutor without contradicting to the Military Judiciary Law.

Government commissioners and their assistants are subject to the authority of the Public Prosecutor at the Court of Cassation.

2- MILITARY INVESTIGATIVE JUDGES:

- In Lebanon, there are military investigative judges only in the headquarters of the Military Court in Beirut.
- The military investigative judges and the first military investigative judge practice the same powers practiced in the judicial judiciary by the judicial investigative judges.
- Investigative judges can be appointed by virtue of the decree of judicial formations or the officers who have a bachelor's degree in law.
- Lawsuits are referred to the investigative judges by virtue of an application paper by the government commissioner before the Military Court.



3- 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 holding the bachelor's degree with the rank of First Lieutenant and above. Single judges can be appointed from among the officers not holding the bachelor's degree.
- The military single judge is competent to consider offenses committed on the land of the province.
 - 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.



4- PERMANENT MILITARY COURT:

WHAT DOES THE PERMANENT MILITARY COURT CONSIST OF?

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 and above, as a president.
- Four members, including a judge from the cadre of judiciary of the fourth 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 fourth 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 in criminal cases.
- The Permanent Military Court is competent to consider:
 - All offenses falling outside the region of military single judges.
 - Applications of rehabilitation.
 - As an appellate authority, it considers the decisions of the military single judges.

5- 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 appellate public prosecutor or his representative from among his assistants performs the function of the government commissioner for this purpose before the Military Court of Cassation.

