



## **The Lebanese Experience: Preventing Corruption in the Judiciary while Preserving its Independence**

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## I – The Current State of the Lebanese Judiciary

### Independence of the Judiciary

1 – Supreme Judicial Council composed of ten judges, eight of which are nominated by the executive power, which compromises their independence

2 – However, judges are independent in performing their judicial duties

i – Initially appointed after an exam

ii – Later nominations are done by the Supreme Judicial Council



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## 3 – Duties of the Supreme Judicial Council

- i – Decide on the nomination of judges in the different judicial positions and courts
- ii – Appoint the members of the disciplinary commission
- iii – Monitor the performance and actions of judges and ask the Judicial Inspection to initiate an investigation for misconduct of corruption
- iv – Determine whether a judge still retains the capacity and fitness for office



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## 4 – Duties of the Judicial Inspection

- i – Monitor the functioning of the courts, the work of judges and court staff
- ii – Investigate any claim of wrongdoing or misconduct
- iii – Refer judges and court staff to the disciplinary commission
- iv – Propose actions to be taken by the Supreme Judicial Council regarding the fitness of a judge for office



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- 5 – Corruption and misconduct of judges governed by different laws
  - i – The law organizing the judiciary
  - ii – The penal code
  - iii - The public servants' law
  - iv – The criminal procedure code
  - v – The civil procedure code
  - vi – The illicit enrichment law
  - vii – The judges' code of ethics (not enacted into law)



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## 6 – Financial Situation of the Judiciary

- i – No independent budget for the judiciary
- ii – Judicial expenditures are twofold
  - a – Court expenditures
  - b – Judges' salaries



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## **II – Accomplishments of the Minister of Justice in the Reinforcement of Judicial Integrity of its Protection from Corruption**

- 1 – Improved of the judges' financial situation and work conditions
  - i – Salary increases
  - ii – Amendment of the entrance exam
  - iii – Successful organization of exams for the appointment of new notary publics and court staff
  - iv – Training and continued education for judges
  - v – Court computerization
  - vi – Courthouses renovation and construction



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- 2 – Incentivized judicial leaders
- 3 – Monitored judicial performance and conduct
- 4 – Reinforced judicial accountability
  - i – 18 judges were prosecuted in front of the disciplinary commission
  - ii – Two judges were laid off while others received various sentences