REPUBLIC OF LEBANON
Ministry of Justice

The Judicial Code of Ethics Main Principles

January 25, 2005
Dear Judges

Upon review of all the judiciary codes of ethics main principles worked on by the Committee formed pursuant to the Resolution No. 77/1 on November 14th 2004,

Whereas we adopted its subject matter content for its importance and it obtained the approval of each of the Supreme Judicial Council, and the office of the State Advisory Council (Shura Council),

Whereas the eight principles of the code of ethics are the following:

Independence, impartiality, integrity, the obligation of restraint, moral courage, modesty, honesty and dignity, competence and diligence,

THEREFORE,

We have no choice but to put such principles in your hands as a light to your free judicial work.

Beirut, on January 25th 2005
Minister of Justice
Adnan Adoum
(Signature & Seal)
JUDICIAL CODE OF ETHICS MAIN PRINCIPLES

Preamble

1- The democratic societies in the contemporary world attaches greater importance to the judicial position for many reasons, the first of which is that the judicial system has an influential role in strengthening democratic practice and confirming the concept of the Rule of Law, the difficulties encountered by the mission born by such system, the tightened control over its operational process, and its moral status due to the seriousness of such missions.

2- Effective judicial work cannot be straightened up and fructuous, in the best way, unless it is consistent with some original rules and principles tightly related to what is called the values and virtues, or morals and ethics, of the judicial system. As justice cannot be spread, from an objective point of view, unless with the equal application of the Law to the ones subject to it, it cannot be achieved, from a moral point of view, unless those responsible for such justice are characterized by certain qualities reflecting his/her independence, expressing his/her impartiality, proving his/her competence and making the people trust their decisions. It is evident that the judicial code of ethics is the safety valve and the best controller of the Law’s sound implementation and for the acquisition of the people’s trust in the judicial system.

3- The Universal Declaration of Human Rights dedicated a fundamental principle which is the right of every person to a fair hearing before an independent and neutral court. The International Treaty related to political and civil rights acknowledged the exigency of treating people equally before the courts.

Lebanon had an effective role in acknowledging the first charter (the Universal Declaration) and it is affiliated to the second charter (the International Treaty). There were many regional charters, judicial conventions, national constitutions, and other bylaws emphasizing the autonomy of judicial power and respect for human rights through virtuous judicial practices. Among these we mention the Lebanese Constitution which set out in its article seven that “All Lebanese are equal before the Law. They equally enjoy civil and political rights…”, and in Article Twenty that “the judges are independent in the exercise of their duties…”
4- The judicial code of ethics in the western democracies took root in the Anglo-Saxon legal family and especially the English Conduct Traditions, firmly established in the Royal Judicial System, a long time ago. This was followed with a great care of the subject by the United States of America since the first quarter of the twentieth century either at a general federal level thanks to the gathering of the American Bar Association (ABA), or at the level of some States which were generally oriented to the codification of the conduct rules related to the judicial system. In this regard, Canada set its strict principles related to the judicial ethics.

At the same time, the countries of the European Continent originally belonging to the Romano-German Family knew an intensified activity in this field, starting from Italy (the year 1994) to France (the year 2003) passing through many other countries. It is worth mentioning the Principles of Bangalore on the judicial ethics, set in the year 2002 in The Hague, with the United Nations’ blessing. To this extent, we mention that many other international organizations and countries took such matters firmly in hand and dedicated their own principles either in the form of codes or through morally binding documents. Among these organizations and countries, we mention, for instance: the European Council, some of the Eastern Europe countries, Australia, Pakistan, South Africa, China, Jordan and many others.

5- It is worth mentioning that Arab history was rich in judicial achievements, and as the judges (cadis) in Islam were high-ranking and awe-inspiring, the ancients were greatly concerned about them and designated for them and their morals many books. History kept many letters, covenants, and sayings in the Arab judicial ethics which could not be mentioned in detail in this context.

It is worth mentioning the “Promise” of Caliph Omar Ben Al Khattab to Abi Moussa Al Achaary when he entrusted him with the Al Basra judiciary system in which he said: “Reconcile the people in front of you, under your equity, and in your council so that not any noble covets your injustice and not any weak person despairs of your justice. You have to understand what you are wondering about and what you doubt… a decision you took yesterday should not prevent you from thinking over…. Because reconsidering justice implementation is better than persisting in a wrongdoing. Beware of foreclosure and impatience, prejudice to people and the snub of the opponent in the judicial hearings…”
It should also be mentioned the “promise” of Imam Ali Ben Abi Taleb which he wrote to Al Ashtar Al Nakhi’i when he entrusted him with ruling Egypt, and in which he said: “then select to judge people, the ones who at your discretion are the best of your subjects, being very knowledgeable… not being content with little understanding but the maximum of it…being the least complaining about the litigation review, the most patient in exploring the matters, and the most severe when clarifying the decision, and those who cannot be affected by any praise and taken with temptation…”

6- On November 14th 2004, his Excellency the former Minister of Justice Bahij Tabbara issued a resolution by which he appointed a committee composed of:

Tanios El Khoury: the First President of the Court of Cassation – the President of the Judicial Supreme Council.

Ghaleb Ghanem: The President of the Shura Council (Advisory Council)

Philippe Khayrallah: The First Honorary President of the Court of Cassation.

Tarek Ziade: the Honorary President of the Judicial Inspection Unit.

The Committee’s mission was to “establish a judicial draft code and principles of ethics”

7- The committee did not stop working hard. It held many meetings and referred to many codes acknowledged by organizations or countries which dealt with such subject, and took care of the fact that the specific Lebanese experience, the special Lebanese culture, the Lebanese society needs and the reality of the Lebanese judiciary system have an eminent role in the finalization of the desired code. Thus, the code drew what is useful from the others’ experience and sought inspiration from some principles of the Lebanese social and judicial specificity.

8- It is also worth mentioning the following three matters: The first is that the principles contained in this code addressed to the judges is made by the judges and such fact has a double meaning, reflecting the awareness of the concept of the judiciary independence on the one hand, and the understanding of the great responsibility of the judges on the other hand. The second is that choosing the morally binding code is better than choosing the principles codified in an
objective legislation, given the largeness of the subject and its prevailing moral nature. The third is that what is contained in the code does not necessarily constitute the rules of a global and preventive disciplinary system, even if such rules were sometimes evoked therein. There are convergent and divergent points between the disciplinary system and the code of ethics.

9- The judicial committee found that the fundamental judicial code of ethics is based on eight principles which consecutively are: Independence, impartiality (with neutralism and equality), integrity, the obligation of restraint (with keeping the deliberation confidentiality), moral courage, modesty (with the simplicity, calmness and educational modesty), honesty and dignity, competence and diligence. It tried as much as possible to avoid the redundancy of the ideas that may sometimes normally occur because of the close perspectives of some principles (as is the case between independence and moral courage, between integrity, dignity and honesty and between impartiality and the restraint obligation…). It should be mentioned that the two principles of “moral courage” and “modesty” are not stipulated in any of the codes reviewed by the Committee.

10- On December 7th 2004, the Committee presented this code to his Excellency the Minister of Justice President Adnan Addoum to be referred to each of the Supreme Judicial Council and the Office of the Shura Council, hoping its being acknowledged by them.

THE FIRST PRINCIPLE: INDEPENDENCE

1- Judiciary independence and the judge’s independence are two inherent integral concepts for the maintenance of the legitimacy principle, and the dissemination of the justice, consisting of realizing the litigants’ wish to ensure the appropriate circumstance for a fair lawsuit. It is worth mentioning, in this regard, that Lebanon is affiliated to the International Covenant related to the political and civil rights, and it is a covenant which acknowledged to the individual the above-mentioned fair lawsuit.

This independence cannot be achieved unless under Laws that enhance the judicial power and guarantee its distinction from the two executive and legislative powers, within the scope of equilibrium and cooperation between the powers, and under a judicial culture reflecting the
judge’s awareness of the fact that the main source of his/her independence is his/her own feeling of the seriousness of his/her duties and his/her determination to be liberated from the pressure factors aiming to influence his/her convictions, regardless of the legal and real data contained in the file.

2- The main principles of the judicial conduct, mentioned in this code, with the principle of independence, are likely to strengthen this latter principle, because they aim to realize the people’s trust in the judicial power, and its members. Every word on the judiciary independence remains a theoretical one if not consistent with the people’s trust in the judiciary, which is necessary, in its turn, to maintain the principle of independence. The judges shall, in this light, “not be content with saying that they are independent but to act in such a manner as to prove their effective independence”.

3- It is firmly obvious in the developed political societies that the judiciary independence is a sign of the society’s belonging to the democracy and to the State of Law, which grants the judge wide powers in order to realize the legal safety, to confirm the Law’s sublimity and also the people’s submission to its authority.

4- The judge shall be independent towards the society in general and towards the litigation parties in particular.

5- The judge shall abstain from making any inconvenient relation with the legislative and executive powers and protect himself from any effect resulting thereof.

6- Among the practical aspects of the independence principle: the judge’s exercise of his/her missions, by adopting his/her professional estimation of the appropriate facts and legal reasons, apart from any external effect, incitement, pressure, threat, or direct or indirect intervention by anyone whomsoever and for any reason whatsoever.

Some of the points, to be mentioned under the principle of the “moral courage”, may meet with what is mentioned in the previous paragraph, because the moral courage is an aspect of the independence exercise aspects. It remains that each of the two principles of “independence” and “moral courage” has its own extent, which necessitated the separation of each of them.
7- Among the practical aspects also: the judge’s independence towards his colleagues, whether during the deliberation which gives him/her the full freedom of expression of his/her opinion and of adoption of the position which is in harmony with his/her convictions, or when exercising his/her judicial duties, in any other situation.

8- The independence is tightly connected with the concept of freedom. The judge cannot be independent unless he/she is free. This means that it would not be enough to only feel free but also to apply such freedom. The free judges are the protectors of the freedom and democracy in the society.

9- The suggestion of the judiciary independence becomes a daily contemporary raised suggestion in the world of today, namely Lebanon. The question was not to be intensively raised, without the need of seriously evoking it, in the way that restores the trust to the judiciary power and impedes the possibility of the suggestion abuse for the realization of aims that are beyond the good course of the judiciary and achievement of the desired justice.

THE SECOND PRINCIPLE: IMPARTIALITY

1- Impartiality is a mental condition reflecting the spiritual good faith of the judge. It means his/her readiness to exercise his/her functions, avoiding the anticipated ideas and being prepared for a meaningful analysis before making a decision, being far above any benefit, refusing any preference between the litigants and all the people who are in touch with him/her due to his/her job.

From this point of view, the judge shall act as a good father and an honest referee in any case he/she is dealing with. He/she shall stay away from any personal tendency and not expect any individual profit. His/her world will be a small one if he/she is seeking things to him/herself, and a big one if what he/she seeks is the realization of what he/she is entrusted to.

He/she is for the people before being for him/herself, and he/she cannot achieve his/her mission in the best way unless he/she exercises his/her judicial duties in such a manner as to enhance the
confidence in him/her, and lessen or eliminate the possibilities that may push the litigants to ask for his/her dismissal.

He/she shall be aware of these firm facts: there is no justice where there is no impartiality. There is no justice where there is aspiration to the personal benefit. There is no justice when the judge is based on the anticipated ideas before analyzing the facts and examining the Law, and there is no justice when every one who deserves such justice could not win it.

2- one of the practical applications of the impartiality conduct: the necessity for the judge to automatically withdraw, every time there are reasons provided for in the Law or every time he/she firmly thinks that there are serious reasons, calling upon any equitable monitor and impartial expert to have doubts about the inconsistency between the exercise of his/her judicial duty and his/her own interest or the interest of those with whom he/she has family relationship, friendship or partnership relation. He/she shall strictly manage the investigations, respect the parties and their rights to defense, avoid the address of the harmful remarks to the concerned parties whether in his/her office or during the holding of the trial hearings. He/she shall prosecute in compliance with the profession ethics, if he/she is one of the public prosecution judges, who shall, in any event, take into consideration the arguments that oppose the accusations, because they represent the society and the society doesn’t ignore its members, in a critical situation.

The automatic initiative of withdrawal, when the reasons thereof are available, is totally different from the necessity of confronting the embarrassment with a contrary initiative, consisting of taking a decision, thus proving the moral courage explained under a special title.

The judge shall, in any event, manage his/her own affairs and financial projects in such a manner as to reduces to the maximum the chances of asking for his/her dismissal or the possibilities of his/her automatic withdrawal.

He/she shall not proceed to the withdrawal, if his/her own withdrawal, or the withdrawal of other members, before him/her, in the court bench in which he/she is participating, leads to the prevention of making justice, for any reason whatsoever (the impossibility or difficulty of
form another court bench, fearing the waste of the appropriate time for the verdict pronunciation…).

Among the practical applications also: the abstention from any comment dealing with the trial process and seeming to deprive one of the litigation parties of a fair result he/she is striving for, whether this comment is made within the trial or outside it.

Among the applications also: the judge’s care to exercise a firm self-control over his/her conduct, inside and outside the court, in order to win the trust of the Bar Association, the litigants and the public. It shall be known that the doubts about the conduct of some judges would harm all the judiciary system and shake its confidence.

3- The neutrality is one of the impartiality aspects. It is to reconcile the “people in front of you, under your equity and in your council, so that not any noble covets your injustice and not any weak person despairs of your justice”. The judge shall not exercise any kind of selectivity in his/her decision-making. He/she has no right to choose what he/she likes, or to make the choice according to the wish of the ones who are close to him/her, the powerful people, the seekers, beneficiaries or the party he may see winning and who is in reality a looser.

4- If neutrality is one of the impartiality aspects, then equality is one of the neutrality aspects.

The application of the principle of equality will be evident when the judge realizes that his/her society assimilates individuals and groups of different religions, doctrines, races, colors, nationalities, ages, gender, civil situation, physical and mental capacities, or of other different aims …. He/she abstains, when exercising his/her judicial duties, whether verbally, behaviorally or in decision, from taking sides with this and not that of them.

It is also evident in treating the lawyers, the litigants, the witnesses, the judicial assistants, the experts, and the other assistants, in addition to his/her colleagues in a non discriminating way, because of the above-mentioned differences. It is not also allowed to all who are subject to his/her authority to exercise the same discrimination. Such prevention concerns also the lawyers
unless what they are concentrating on as discrimination aspects falls within the context of the lawsuit and ensures the right to a legal defense.

5- By going back to the most eminent codes and acts evoking the organization of the main principles of the judiciary conduct, in the organizations or the countries interested in this subject, it turns out that the principle of impartiality got the unanimous interest of the stakeholders. It is, as aforementioned, the basic stone in the judge’s work, the safety valve for the road to an equal justice, and an essential condition of satisfaction with the course of the judicial institution.
THE THIRD PRINCIPLE: INTEGRITY

1- The integrity is the most repeated word among people in the description of the judge who is characterized by straightness, confidence, immunity and transparency, and who has clean hands that cannot be polluted with any temptation (such descriptions can also be repeated when talking about the two virtues of the judge’s dignity and honesty).

It can be clearly understood when compared with some of its contrasts, among which the distortion, corruption, falseness and abuse of the judicial position for the realization of the personal material objectives.

2- People’s trust in the judiciary cannot be acquired except if the integrity was at the apex of the qualities pyramid that should characterize the judge. It is well-known that the realization of the justice is not enough by itself; it shall be accompanied with the people’s feeling of its realization. There is no justice with a reduced transparency and an expansive corruption.

3- The judge shall make every possible effort so that his/her conduct will not be the object of any doubt, and any blame by an equitable monitor, being an impartial expert. Rarely do the people have doubts about the integrity of the judge who is in fact honest, and if it happens that one of them has another attitude, his/her attitude remains isolated and the best retaliation for such attitude is to be more upright.

4- The judge shall, in addition to taking care of his/her personal conduct, in this regard, bear the duty of inciting his/her colleagues to follow his/her example and encourage them to face the opposing currents which may find the judge’s integrity a sort of weakness in consideration of the daily life requirements. The judiciary integrity depends on the judge’s integrity and vice versa.

5- If the honest judge does not act in this way, in return for a reward, it is normal that the dishonest judge be subject to the penalties provided for in the Law. In a contemplation related to the ethical concept of the subject, the integrity requires that the judge be always careful and cautious towards every earning, benefit or favor tried to be provided by whomever, and towards everyone who seeks his/her bringing closer because of the duties he/she is exercising, as it
happens sometimes when inviting the judges to banquets or private parties without their being personally concerned in this regard, and that by some politicians, businessmen or people seeking influence.

6- The judge shall also abstain from asking for a reward, gift, grant or loan because of a matter related to his/her judicial work. Such prevention shall apply to the members of the family he/she is supporting.

7- The integrity obligation had also the unanimous agreement of the interested people in the safety of the judicial work. Such work loses its particularity and mission, moreover it collapses when the integrity is absent from its authors.

THE FOURTH PRINCIPLE: OBLIGATION OF RESTRAINT

1- The obligation of restraint tightly related to the nature of the judicial work, the judge’s personality, and the society’s view of him/her, raises certain points requiring continuous examination for their screening and the selection of what is appropriate of them.

The society may exaggerate in its severe view of the judge, restricting him with the constraint conditions which are close to the suppression and strictness. The reason of this exaggeration is a firm belief tending to consider the judiciary as a mission or at least an apostolic profession imposing on the one abided by it, a style of living and acting close to that of an hermit with the getting away from any comfortable appearance or material ambition.

However the obligation of restraint has other procedures hitting the deepness of the judiciary concept, necessary for its good exercise and paving the way for the reach of an equal justice in which the judge’s person has the eminent role in its settlement.

2- No doubt that the exaggeration, strictness, and blind adherence to the inherited concepts harm the best purpose wished from the obligation of restraint which is inherent to the judicial work. No doubt that the requirements of the contemporary life and the keeping up with the
development, impose a flexible conception of the question without abandoning the constant principles and the goodness aspects.

In this light, the judge shall know how to make equilibrium between two facts or obligations: his/her integration in the society on one hand, and his/her staying away from it on the other hand: The integration in order to avoid repugnance, complication, or mutual misunderstanding and the fact of staying away in order to avoid the slipping and falling down. He shall opt for the integration because the justice is the lesions heal, and the realization of a concrete right, and for staying away because the judge shall not be cheated with the nice words, the relations incidents and the misleading of the illusive world.

It is worth saying that the judge has the right, in this regard, to have a good ordinary life with his/her family and in his/her society, with all what is necessary as means of comfort and enjoyment within the limits of his/her material capacities and with the conduct that protects his/her reputation and keeps him/her away from any justified criticism.

3- Among the practical aspects of the obligation of restraint: the judge’s abstention from declaring any opinion that is likely to cause the litigants’ doubt about his/her impartiality, and his/her avoidance of all the forms of religious, political, or doctrinal struggle in general, even if he/she has his/her own opinions and some freedom guaranteed by the Constitution and the international covenants.

Among its aspects: the judge’s abstention from the public comment over judicial decisions issued by other than him/her, a comment that does not serve scientific purposes or likely to cause contempt to the court that issued the decisions.

The judge shall not also promote the decisions he/she takes even after their issuance, with a view of making publicity for his/her achievements. On the other hand, it is normal that the competent authorities (the Minister of Justice for example) obstruct everyone who attacks the judge for the decisions he/she made.
4- Among the practical aspects of restraint: the judge shall have good behavior, conduct and be presentable in such a manner as to keep his good standing inside and outside the palaces of justice, and not to make personal relations with the lawsuit parties and their attorneys, to avoid the visit of the political personalities and those dealing with the public matters, to limit the participation in the occasions and acceptance of invitations that may bring suspicion, provided that he/she has the right to participate in the special activities on condition that such participation does not cause doubts about his/her neutrality. He/she shall not, in any cases, visit the suspicious entertainment places and any other place that does not suit his/her position.

He/she shall not seek to enhance the status of the litigants in lawsuits brought before his/her colleagues and shall be very reserved when welcoming the lawyers in his/her office so that such matter does not appear to be some preference or tendency to a party over another party. He/she shall not allow the use of his/her office or house by a lawyer to negotiate with one of the clients and not to nominate a lawyer to handle a case if one of the litigants asked him/her to do so and not to prefer a lawyer to another before the litigants and not to give any legal advice to whomsoever even for free.

He/she shall not reveal to the people the fact that his/her belonging to the judicial institution was not made under a total conviction and that he is waiting for the appropriate opportunity to leave it. He/she shall not complain before them about the lots of work that are not sufficiently worth the materialistic return. The treatment of such problem and any similar one, if available, shall be carried out within the judicial institution and within the Law.

5- The judge can write, teach, and participate in activities related to the Law, the judicial organization affairs, and the justice concepts, and in any topic related to such activities and in any other (mental, cultural …) activity provided that this activity does not harm the judiciary dignity or the exercise of the judicial duties, all that, of course, with the obtaining a special authorization, when necessary, or after the review of the senior president and in any way, with the consideration of what is imposed by the Laws into force.

6- To keep the secret of deliberation is also an extension of the obligation of restraint. The judge shall be entrusted with the sanctity of the deliberations, either made in the supreme judicial
bodies, or chambers or in any other judicial hearing. It means also that the judge shall maintain the confidentiality of the penal investigations or other, as imposed by the Law and not to divulge any information brought to him/her through the exercise of his/her duty. However, some “advertisement accesses” can be possible whenever they are necessary to highlight the reality of the judicial work or the process of investigations in matters that concern the public opinion, without prejudice to the principle of confidentiality of the criminal investigations, the defense rights and the innocence presumption.

7- It remains that the obligation of restraint is not subject to the society control and the responsible bodies control; however, it is mainly subject to the judge’s self-control. Here is his/her great responsibility.

THE FIFTH PRINCIPLE: MORAL COURAGE

1- We cannot imagine an upright judiciary system without brave judges. The intended courage is the audacity that pushes the judge to be determined in his/her position and take the decision despite circumstances that may put him/her in a state of hesitation, fear or submission. It is the moral courage which is confrontation and not escape, as well as determination on declaring the justice without other. It is firmness that does not make the judge halt in his/her speech, hesitate in his/her writing and have a worried conscience after forming the right opinion. It is when the judge says YES even if the winner is the inferior and the looser is the superior.

A judgment cannot be straightened and justice cannot be spread unless the judge strengthens his/her self-confidence has the feeling of being him/herself the strong person and there isn’t possibility of weakening him/her. If the judge feels weak in front of the strong, half of justice will die in him/her, and the second half will die if he covers his weakness by becoming strong in front of the weak.

2- The judge may be placed in a critical position, from time to time, and for many reasons. The embarrassment may worsen, in view of the negative particularities that characterize some societies and this is the case of the Lebanese society, at most. The personal relationships, the family links, the regional and sectarian belongings, the money domination, the political influence,
the pressing groups of all colors and other aspects are faced by the judge, involving the desire to affect his/her decision. Should he/she keep up with them, fear them or take care of strengthening his/her position by being subject to their wishes? Such question comes first beyond any other questions and is tightly related to the judiciary independence and the judge’s independence. Despite this fact, it was dealt with, under a special title to emphasize on its role in the Lebanese society characterized by some particularities, and because it contains what makes it different from the independence in its general meaning. There is no need in this context to repeat what was mentioned when dealing with the subject of independence. However, it should be emphasized that in the most critical moments, the judge shall not forget that the decision is in his/her hands, the pen is in his/her hand, he shall then write what the Law and his/her conscience order him/her to do. It shall not be understood that the courage takes away the wisdom and causes rashness because each of them needs the other in order that the judicial decision be a realization of the justice and not a challenge.

3- A big group of judges in Lebanon and in the other countries, in the peaceful times and in the anxious times, became a good example of moral courage, gave precedence to the conviction motive over any other motive, did not bargain with what is right and justice, was far above the goals and posts desires, triumphed for the weak when this weak is strong with truth and obstructed the strong when weak with the same truth…. To such ideal group, the judge shall refer, every time he/she is critically faced.

4- It can be worth mentioning in this regard, that getting rid of the embarrassment cannot be made with the judge’s abstention from considering the raised case, by asking the withdrawal for having felt embarrassment even if such way is allowed by the Law. It is effectively allowed for those who feel embarrassment, for a serious reason, and not for those who fear facing the issue given the domination of a party of the lawsuit parties. The valid solution cannot be by withdrawing and referring the lawsuit to another judge, however in the confrontation i.e. the moral courage.

5- The moral courage is a fundamental basis of work of each individual who is given a certain power by virtue of the Law. It is normal that it is one of the bases of the judicial work and one of
the qualities of the responsible judge who has no choice but to face the difficulties and overcome the obstacles of the embarrassment, hesitation and submission.

**THE SIXTH PRINCIPLE: MODESTY**

1- In front of the great duties born by the judge, and considering the sublime moral position he/she enjoys in the society, starting with these duties themselves and what they require as qualifications, sacrifices and qualities, the following question is raised: is the judge allowed to be arrogant, proud and haughty, and take the other positions of snobbism and show off? The so long inherited judicial traditions, the contemplation of the essence of the judicial work, the fact of giving priority to the openness culture, the reality and the humanitarian tendency which shall be inherent to the nature of this work… all these give the desired answer that modesty is one of the main features of the distinguished judge’s personality. Modesty does not harm the judge’s pride. Both of them are of the same source which is the spirit sublimity that brilliantly enlightens its virtues without falling in the empty conceitedness.

2- Simplicity is one of the modesty aspects. It is, from this point of view, contrary to what is thought by some people, an element of the personality strength, paving the way to take the convenient position and the right decision. Every complication in the appearance, in the style, and every rudeness in word and act, and the building of ivory towers, may end with negative results, the most eminent of which are losing the way to the essences of things, the enlargement of the gap between the judge and the people which may lead to the shaking of the trust in his/her judgments.

3- The calmness is another aspect of the modesty aspects. It is one of the most efficient judicial weapons. The rage, anger, enthusiasm and irritation, are violent feelings, obstacles on the roads to justice, and a way for losing the mind and position control.

4- Modesty has another aspect which is the acknowledgment of the fact that knowledge in general and the legal knowledge in particular, is a wide ocean. That what is known as the educational modesty which makes the judge not content with what he/she acquired as knowledge and what he/she treated as issues, however, seek the acquisition of more knowledge, no matter
how wide his/her culture is and how intensified his/her experience become. He/she shall not forget that he/she may be surrounded with the ones who have the same educational and experimental level as him/her or more, and this shall incite him more and more to double his efforts and avoid pride.

5- Modesty with all its aspects can be represented in many positions faced by the judge. He/she shall, in his/her daily life, and within the large society, not seek taking the first place, publicly declare his/her quality to get esteem, treat the ones he/she is frequenting with the treatment of a president to his/her subordinates, exploit his/her position for the achievement of a special treatment, and contravene the Laws to meet his/her needs or realize his/her desires. This shall apply to all what benefits the members of his/her family and all the ones related to him/her by the family or friendship relations. Accordingly, he/she shall not allow those people to exploit his/her position to get their own interests. He/she shall, in the judicial hearings, know how to talk to the lawyers, the litigants, assistants, and all the ones he/she has contact with and to take as refuge the Law and not his/her personal moo, when making a decision. He/she shall not be influenced, and tend to take revenge if inappropriate acts emanated from the third.

He/she shall be flexible with his/her colleagues, master the art of listening and not be arrogant even if there is disparity in the posts, avoiding every boasting about his/her capacities and posts.

6- The judge’s splendor, at the end, cannot be formed with the position-making, but with the deep simplicity spreading its shadow on him/her and making of him/her the people’s center of focus, as those people admire him/her and admire the judiciary system.

THE SEVENTH PRINCIPLE: HONESTY AND DIGNITY

1- There is some decorum and virtues that the judge shall enjoy and some of them were evoked in other paragraphs of this code (the integrity, the obligation of restraint, the modesty…). If it is difficult, or not suitable in this regard, to globally grasp them, two virtues of them shall be highlighted, which are: honesty and dignity, considering they are tightly related to the best judicial personality and the judiciary high repute.
The circle of the judiciary virtues is wide. Concentrating on some of them in this code does not mean abandoning the adherence to all the values and practical exercises which reflect the ideal performance of the judicial personality.

2- The two terms of “honesty” and “dignity” are not odd to the moral obligations imposed by the Lebanese Law on the judges. The oath made by the judge nominated within the justice judiciary cadre or the administrative judiciary cadre, includes his/her promise to perform all his/her activities as a loyal and honest judge (article 46 of the judiciary Law and article 12 of the Shura Council System).

3- It is also difficult to totally separate these two virtues from each other, because they involve some common meanings, such as the honor, the uprightness, the confidence, the loyalty, and the transparency. Despite this fact, it remains possible the emphasis on aspects that give to each of them, its own existence.

4- The honesty imposes itself on the judge, towards his/her colleagues and it is particularly represented in his/her respect of the hierarchical presiding judges, their keeping really aware of his/her work process and mentioning the reality of the reasons and difficulties that may lead sometimes to the delay in the achievement of work or its disturbance in a way that thwarts the good process of justice in a certain judicial department.

5- Honesty imposes itself on the judge towards the litigation parties. It is particularly represented by his/her abstention from being intentionally liberated from the provisions of the Law which are considered their first guarantee. It is also represented in the necessity of keeping them, within the allowed limits, aware of the lawsuit process (the reasons for the delay of its settlement for example: the complicated investigations, the fact of waiting for the experts’ reports, the exceptional notices, and the legal absence of the judges from the hearings…)

6- among the judge’s honesty aspects: the aspiration to the truth, the avoidance of misleading and excessive exaggeration in his/her positions, the abstention from affirming anonymous declarations to the media addressing the process of the trials or other judicial affairs being
attributed as the result of what is ordinarily called “reliable judicial sources” knowing that the source as well as the information might not be reliable.

7- It is known that the judiciary is one of the most honest professions, even some consider it a mission and not a profession, and it became more honest with this classification. From the judiciary ethics point of view, the honesty virtue is considered the first virtue that leads to the judiciary respect, maintains its shining image and prevents its bad appearance.

8- Honestly acting does not mean the exclusion of the judge’s right to organize his own life like any ordinary citizen outside the scope of the judicial exercise. However, he/she shall take care of his/her position awe, by responding to the trust put in his/her person and abstaining from any act weakening the trust in the judicial institution (frequenting the bad people, being extravagant in expressing affections…) and some of the judge’s rights and duties in this regard were evoked under the title of “obligation of restraint”.

What puts the judge in a position, different from the positions of the other members of the society, is the nature of his/her duties, and his/her being exposed because of this special nature, to the people’s criticizing watching eye. He/she shall freely and willfully accept this constraint. When he/she chose the judiciary he/she chose it in its particularity, awe, dignity, and even the constraint aspects of it. he/she shall not then become impatient in the situation he/she is in.

9- If it happens that the judge participates in public discussions that may occur on the occasion of his/her integration in the society, he/she shall not get involved in futile debates that do not suit the judiciary high repute.

10- Acting with honesty, dignity, confidence, loyalty, sincerity, and uprightness involves the richest meanings and makes from the judge, the people’s center of focus and from the judiciary the center of hopes.

**THE EIGHTH PRINCIPLE: DILIGENCE AND COMPETENCE**
1- The previous principles will be in vain if not accompanied with the judge’s diligence and competence. The competence is the theoretical tool to soundly launch the judicial work, while the diligence is the practical tool necessary for its achievement. They are consequently two primary conditions inherent to the serious and effective exercise of the judicial mission.

2- There is no doubt that the judge is a man of letters. And the man of letters shall be competent for the exercise of his duties and in the field he chose as his career.

The competence necessitates that the judge acquires the sufficient and appropriate knowledge for the exercise of his/her duties in the best way. For this purpose, he/she shall benefit from all the means of training and development put at his/her disposal.

3- It is better that the judge does not be content with the legal cultural limit, he/she shall enhance his/her general knowledge as much as possible, because he/she cannot understand the difficulties of his/her society and solve his/her problems if his/her knowledge horizon was not wide. The general knowledge is the fundamental stone in the formation of the judiciary personality and the judge shall employ it to improve his/her judiciary performance by finalizing the philosophic, social, economic or humanitarian concepts that help him when making a decision.

4- One of the aspects of competence is also the permanent readiness to search for new solutions to some raised issues. The judiciary means jurisprudence and the jurisprudence means exceeding the limits and creation, as well as the reach of the depth. All that with the necessity of taking as an example the oldest one, if it appeared to be the best, and of being based on the firm principle, if its amendment cannot bring a similar or better result.

5- the diligence, the exerted care in order to achieve the mission attributed to the judge, the endurance and patience to the difficulties resulting from the nature of the judiciary mission, seem to be very important, especially when compared with their opposites: such as the laziness, the neglect, the frequent absence, and the complaint. It does not mean hurrying in pronouncing the verdicts and taking positions but the punctuality in the respect of the dates determined thereto.
6- Among the requirements of the diligence obligation: the judge shall give priority to his/her judicial mission over any other mission, dedicate his/her professional diligence for the execution of his/her legal duties and not behave in a way that does not conform to the useful execution of these duties. He/she shall settle the cases submitted to him/her within a reasonable delay so his/her decisions will have a practical utility and won’t be rendered after it is too late.

Among the requirements of this obligation: the realization of justice and thus the issuance of the necessary decisions in order not to be in a condition of abstention from making the justice.

In the two cases of abstention from making justice and exaggeration in delaying the pronunciation of the decision, the judge may expose the State to the indemnity lawsuit because of the liability resulting from the activities of the judicial sector, as well as he/she will be exposed to negative measures and financial penalties. It is worth mentioning that the European court applied this principle in many cases.

Among its requirements also: the judge shall be always ready to fulfill every duty imposed on him/her due to the work exigencies. He/she shall not abstain from considering any file or case he/she is in charge of, because the evaluation does not belong to him/her but to the ones who charged him/her by power of the Law.

The worst thing faced by the justice, within the scope of this obligation, is when the accumulation of the files pending with him/her, becomes a common habit lacking an organized plan of treatment. To refer the suit for judgment or to prepare any other file for settlement, do not resolve the matter and remain needing the final consideration in order to take the appropriate decision. Behind every file, there is someone waiting and a society that may be also one of the victims, in case of delay.

7- The diligence obligation is not only a personal virtue it is imposed on all the judiciary system and binds the justice with all its apparatuses.
8- The appropriate means shall be at reach of the judge, enabling him/her to finalize his/her diligence and activate it and the evaluation of his/her diligence is related to the availability of such means.

9- As the final objective of the judiciary system is the spread of justice and the realization of the mission that cannot be complete unless when getting the people’s trust in the judiciary, this objective cannot be realized unless in the hands of judges who devote themselves for education, and donation, who had the sufficient competence in their practice and the obvious motivation to be exerted.