

# Law No. 13 of 1971 on the System of the Courts of Justice) 13 / 1971

Number of Articles: 51

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## **Table of Content**

Chapter One (1-1)

Establishing the Courts (1-1)

Chapter Two (2-6)

The Courts' Jurisdiction (2-6)

A. The criminal court: (2-2)

1. The minor criminal court (3-3)

2. The superior criminal court (4-4)

B. The civil court (5-6)

Chapter Three (7-15)

Forming the Courts (7-15)

1. The minor criminal court (7-7)

2. The superior criminal court (8-15)

Chapter Four (16-16)

Assigning the Courts' President and his Powers (16-16)

Chapter Five (17-24)

Terms of Assigning Judges and their Privileges (17-24)

1. The terms of assigning the judges (17-22)

2. Judges' privileges and non-exemptibility (23-24)

Chapter Six (25-28)

Judges' Duties (25-28)

Chapter Seven (29-40)

Prosecuting Judges (29-40)

Chapter Eight (41-44)

Court Sessions (41-44)

Chapter Nine (45-46)

Rights of Litigants (45-46)

Chapter Ten (47-48)

Court Employees (47-48)

Chapter Eleven (49-51)

Final Provisions (49-51)

**We, Khalifa Bin Hamad Al-Thani, Deputy Emir of the State of Qatar,**

Having reviewed the Amended Provisional Constitution **for reign in Qatar**,, in particular Articles **21, 23, 37 and 73** thereof;

**And the bill presented by the Council of Ministers;**

**Hereby promulgate the following Law:**

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## **Chapter One**

### **Establishing the Courts**

## Article 1

1. The courts of justice shall consist of:

1. The criminal court:

1. The minor criminal court
2. The superior criminal court

1. The civil court:

1. The minor civil court
2. The superior civil court

1. The labour court.

1. According to Article 13 of this Law, and under a decision by the court's president, it shall be allowed to form more than one judicial department for any court mentioned in this article.

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## **Chapter Two**

### **The Courts' Jurisdiction**

#### **A. The criminal court:**

## Article 2

1. In addition to the provisions of paragraph 2 of this article, the criminal court shall be specialized in adjudicating all crimes stipulated in the laws issued in Qatar, except for those excluded under a specific text.

1. Where a person suspected of committing any crime stipulated in Chapters 17, 22 and 23 of the Penal Law in Qatar is a Muslim, the Shari'a court shall be the only competent authority to adjudicate such crime.

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#### **1. The minor criminal court**

## Article 3

#### **1. The minor criminal court**

The minor criminal court shall be specialized in adjudicating all violations and misdemeanors.

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#### **2. The superior criminal court**

## Article 4

#### **(1) The superior criminal court**

The superior criminal court shall be specialized in adjudicating all serious crimes, in addition to adjudicating appeals against judgments issued by the minor criminal court. The appeal procedures shall be followed before the appellate court and its judgment shall be final.

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#### **B. The civil court**

Article 5

**B. The civil court**

1. The minor civil court shall be specialized in adjudicating all civil and commercial cases in which value of the claim is less than thirty thousand Riyals.
2. The superior civil court shall be specialized in adjudicating all civil and commercial cases in which the value of the claim is more than thirty thousand Riyals, or of unknown value, and personal status cases of non-Muslims. It shall also be specialized in adjudicating appeals against judgments issued by the minor civil court. The appeal procedures shall be followed before the appellate court and its judgment shall be final.

Article 6

In addition to the two previous articles, the appellate court shall be specialized in adjudicating appeals against judgments issued primarily by the criminal court, the superior civil court and the labour court.

**Chapter Three**

**Forming the Courts**

**1.The minor criminal court**

Article 7

**1. The minor criminal court**

A single judge shall have the jurisdiction stipulated in Article 3above and shall be called the judge of the minor criminal court.

**2. The superior criminal court**

Article 8 (Amended By Law 13/1992)

**2. The superior criminal court**

A bench of three judges shall have the jurisdiction stipulated in Article 4above. Its presidency shall be given to the oldest among them, and he shall be called the president of the superior criminal court; the two other member judges shall be called judges of the superior criminal court.

Article 9

The president shall determine and manage the court's sessions. The other member judges may not ask questions except through the president.

Article 10

The court shall render its judgments by majority opinion. The dissenting opinion shall not be announced in any case.

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Article 11 (Amended By Law 13/1992)

Notwithstanding the provisions of Article 8 of this Law, the president and two members of the superior criminal court may individually adjudicate any serious crime that carries a sentence of imprisonment of less than five years.

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Article 12

1. The minor civil court shall be formed of one judge sitting individually. He shall be called the judge of the minor civil court.
2. The superior civil court shall be formed of three judges. Its presidency shall be attributed to the oldest among them, and he shall be called the president of the superior civil court. The two other member judges shall be called the judge of the superior civil court. The judgments of the superior civil court shall be rendered by majority opinion. The dissenting opinion shall not be announced in any case.

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Article 13

The appellate court shall be formed under the presidency of the president of the court of justice or one of his deputies, and a membership of two deputies and judges of the appellate court.

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Article 14

The judgments of the appellate court shall be rendered by majority opinion. The dissenting opinion shall not be announced in any case.

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Article 15

The president of the court shall determine and manage the court's sessions. The other members shall not ask any questions except through the president.

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**Chapter Four**

**Assigning the Courts' President and his Powers**

Article 16

In addition to the powers assigned to him under this or any other applicable law in Qatar, the president of the courts of justice shall be appointed and assigned the following powers:

1. Organizing the judicial work in the courts and distributing it among the judges.
2. Assigning a judge temporarily to perform the work of any other judge.
3. Issuing orders to implement disciplinary actions against employees in the courts of justice in compliance with the civil service law.

The president of the courts of justice shall be responsible to the Minister of Justice for organizing the courts' administrative and financial work, besides supervising and inspecting the work, observing the procedural demeanor of the judges, arranging their administrative and financial affairs and technically evaluate their performance.

## **Chapter Five**

### **Terms of Assigning Judges and their Privileges**

#### **1. The terms of assigning the judges**

##### **Article 17**

One or more judges shall be assigned to each of the courts referred to in Article 1 of this Law.

##### **Article 18**

The following conditions shall be met in order for a person to qualify for a judgeship:

1. He shall be a Qatari national. Where this is not possible, a non- Qatari may be assigned.
2. He shall hold a licence to practice law from one of the law faculties affiliated to an accredited university.
3. No judgment shall have been issued against him by a court or disciplinary board in any case involving moral turpitude.
4. He shall be of good reputation.

##### **Article 19**

1. No judge may be assigned to the minor criminal or civil courts before having practiced law for at least three years.
2. No judge may be assigned to the superior criminal or civil courts before having practiced law for at least seven years, including at least five years in judicial positions.
3. No judge may be assigned to the appellate court before having practiced law for at least ten years, including at least eight years in judicial positions.
4. No judge may be assigned as deputy to the president of the appellate court before having practiced law for at least twelve years, including at least ten years in judicial positions.
5. No judge may be assigned as president of the court of justice before having practiced law for at least fifteen years, including at least ten years in judicial positions. He shall also be at least forty years old.

##### **Article 20**

The salary of each judge shall be determined in the decree issued for his employment.

##### **Article 21**

Where no special provisions are made in this law, a judge shall be subject to the regulations of the civil service jobs law.

##### **Article 22**

Cancelled under Law No. 4 of 1988, the *Official Gazette* No. 4 of 1988)

#### **2. Judges' privileges and non-exemptibility**

## Article 23

Judges shall be independent and subject only to the law, and their decisions shall be issued and implemented in accordance with the law.

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## Article 24

In addition to the provisions of Chapter Seven of this Law, no judge may be exempted from his position, whether by discharge or transfer, nor may he be allowed to lower his position.

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## **Chapter Six**

### **Judges' Duties**

## Article 25

Before commencing his functions, a judge shall swear the oath before the Ruler that he will respect the law of the country and apply it fairly and without bias or fear.

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## Article 26

A judge shall not be allowed to perform any other job that contradicts with the independency and honour of justice.

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## Article 27

No judge may adjudicate any lawsuit in which he has a direct or indirect personal interest. The same shall apply where he is related to any of the parties and which would conflict with his neutrality as a judge.

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## Article 28

The judge or the court member shall give no advice nor express an opinion in disputes before the court prior to delivery of the judgment or decision. It is not also allowed to reveal the secrets of the deliberation.

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## **Chapter Seven**

### **Prosecuting Judges**

## Article 29

A judge may be prosecuted in the following cases:

1. Where he fails to comply with a condition of his employment contract.
  2. Where he violates the duties of his job.
  3. Where he violates the rules governing the position of judge.
  4. Where he places himself under suspicion or doubt.
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## Article 30

Prosecution of a judge shall fall under the competency of a disciplinary court comprised as follows:

1. The Vice-Ruler-chairperson.
2. The Minister of Justice-member.
3. The President of the Courts of Justice -member.

## Article 31

Prosecution of the president of the courts of justice shall fall under the competency of a disciplinary court comprised as follows:

1. The Vice-Ruler - president
2. The Minister of Justice - member
3. The government's consultant - a member

## Article 32

The public prosecutor shall conduct all prosecutions.

## Article 33

The presiding judge shall read the charges against the accused and order him to appear before the court on condition that he be given not less than one week's advance notice to appear in court.

## Article 34

The disciplinary court may order whatever may be necessary for the conduct of an investigation into an accused judge's activities and may deputize one of its members for this mission.

## Article 35

1. The sessions of the disciplinary court shall be closed. It shall deliver its judgment after hearing the prosecution's evidence and the judge's defence.
1. The judge shall appear by himself before the court and may present his defence orally or in writing. Where he fails to appear, the court's judgment in his absence shall be valid after verifying that the accused was properly notified to appear in court.

## Article 36

The disciplinary penalties which may be imposed on the judge are blaming or exemption from his position. The penalty of exemption shall not be imposed without being authorized by the Ruler.

## Article 37

Notwithstanding the provisions relating to jurisdiction, misdemeanors and serious crimes attributed to an accused judge shall be adjudicated by the disciplinary court referred to in Article 30 of this Law, and by the disciplinary court referred to in Article 31 in the case of a president of the courts of justice.

## Article 38

The disciplinary action shall be terminated by the resignation of the judge after being approved by the Ruler. The disciplinary claim shall have no effect on the criminal or civil action arising from the same incident.

## Article 39

1. No action or investigation may be instituted against an accused judge without first obtaining permission from the Ruler.
1. Where an accused judge is arrested and taken into custody, the case shall be referred to the competent disciplinary court within twenty-four hours.
2. The court may order the judge's provisional detention or release him with or without bail. The duration of the detention shall not be more than thirty days and shall be in a location separate from that designated for other prisoners.

## Article 40

1. Where the judge is provisionally detained, his job shall be suspended for the duration thereof. The disciplinary court may also suspend the judge from his job during the investigation or trial.
1. The judge shall not be deprived of his salary during his suspension unless the disciplinary court decides to deprive him thereof totally or partially.
2. The court may, at any time, review its decisions regarding suspension and deprivation of salary.

## **Chapter Eight**

### **Court Sessions**

## Article 41

Court sessions shall be held in Doha unless the court decides otherwise.

## Article 42

Court sessions shall be open, except where the court decides by itself or based on a request from one of the litigants to order the sessions be held *in camera* for the sake of ethics or to maintain general order. In all cases, the court's judgment shall be delivered in open session.

## Article 43

The language of the courts shall be Arabic. The court may hear the testimony of litigants or witnesses who do not speak Arabic via a translator who shall swear an oath to translate with honesty and sincerity.

## Article 44

Decrees shall be issued and implemented in the name of the Ruler.

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## **Chapter Nine**

### **Rights of Litigants**

## Article 45

Only lawyers shall have the right to appear on behalf of litigants before the court. The court may, however, permit litigants to deputize others to plead their case before the court.

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## Article 46

The law shall determine the conditions under which a person shall be allowed to practice as a lawyer, and shall define lawyers' rights and duties and the method of disciplining them.

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## **Chapter Ten**

### **Court Employees**

## Article 47

Each court shall have a sufficient number of well-qualified employees who shall be assigned according to the regulations of the civil service jobs law.

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## Article 48

The court employees shall perform their functions under the law or the special system of each court, as well as the official duties attributed to them by the judges.

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## **Chapter Eleven**

### **Final Provisions**

## Article 49

Law No. 18 of 1968 establishing a traffic court and Law No. 12 of 1970 establishing the criminal court of Qatar shall be cancelled.

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## Article 50

Each decree that violates the provisions of this Law shall be cancelled.

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## Article 51

All competent authorities, each within its jurisdiction, shall implement this law from the date of its publication in the *Official Gazette*.

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