

Law No. 250 of 14/7/1993 on the Establishment of the Constitutional Council amended by law No. 150 of 30/10/1999 and further amended by law No. 43 of 3/11/2008.

Upon the Parliament's ratification, the President of the Republic publishes the following law:

Article One

Pursuant to the provisions of article 19 of the Constitution, a council called the "Constitutional Council" is established with the mission of supervising the constitutionality of laws and other texts which have the power of the law, and deciding on the disputes and challenges arising from parliamentary and presidential elections.

The Constitutional Council is an independent constitutional body of judicial nature.

Chapter One **The Composition of the Constitutional Council**

Article Two

The Constitutional Council is composed of ten members.

The Parliament names half of the members by the absolute majority of members legally forming the Council in the first round, and by the proportional representation of voters in the second round. In the event of a tie, the older candidate wins.

The Cabinet names the other half of members by the majority of two thirds of the government members.

Article Three

The Constitutional Council members are selected based on the following:

Ten members selected from former judges who have practiced judicial, administrative or financial law for a minimum of 25 years, or from higher education instructors who have taught one of the law materials for a minimum of 25 years, or from attorneys who have practiced the legal profession for a minimum of 25 years.

The constitutional council member should:

Be Lebanese from more than ten years, enjoying his civil rights and not convicted of a crime or misdemeanor.

Be aged between fifty and seventy four years old.

Whoever wishes to be a member in the constitutional council and meets the membership requirements shall submit their candidacy application by virtue a declaration, with their detailed CV attached, to the Constitutional Council office and obtain a receipt. The constitutional council shall forward the files and applications to the general secretariat of the parliament and cabinet.

The period for submitting candidacy applications starts ninety days before the expiry of a Constitutional Council member's term, and ends after the lapse of thirty days. If a member's seat becomes vacant, the period for submitting candidacy is ten days starting from the date of publishing the vacancy in the official gazette.

Candidacy declarations that were previously presented and that meet the requirements stipulated in this law are submitted to the constitutional council.

New candidacy declarations are submitted to the Constitutional Council within a period of two weeks effective as of the date of adopting the law.

The Constitutional Council bureau should transfer to the parliament and cabinet's general secretariat a list of the CC candidates' names attached to the required documents within 48 hours after the end of the candidacy application period.

At the expiry of the six-year-period set for the Constitutional Council membership term or when membership is cancelled by lottery, a member, who is neither a higher education instructor working in the public sector nor under the civil service law, is entitled to a two-month-remuneration for every year of service. The remuneration is calculated based on the last month's salary and is fully paid to the member or his/her heirs if he/she was not able to continue his/her term due to a duly proven health disability or due of death.

However, the member loses these rights if he/she resigns. Higher education instructors working in the public sector and those working under the civil service law shall be considered as delegates and shall go back to exercising their work in the

university when their membership in the Constitutional Council expires. Moreover, their work period is counted as an effective service period, thus, they preserve their right to promotion while abiding by the retirement and discharge regulations. (Amended by law No. 43 of 3/11/2008)

Article Four

The term of half the Constitutional Council body members expires **three years after the publication of this law**. They are chosen by lottery and five members are appointed in their place for six years by the authority that chooses the members whose membership was cancelled by lottery pursuant to the principles of appointment stipulated in the law. (Amended by law No. 43 of 3/11/2008)

This period starts as of the date of oath taking by all the members.

In case a member's position becomes vacant due to resignation, physical disability, death, or any other reason, the Council shall formally announce the vacancy and the termination of the mandate. The Council President notifies the authority that chose the member whose position is vacant about the issue in order to take note and assign a substitute.

This authority assigns the substitute within a month of notification date in the same way adopted to assign the original member and for the remaining period of his/her term.

The substitute member shall not be subject to the term unrenewability rule if the remaining period of the original member's term is less than two years. Moreover, absenteeism from three consecutive sessions without a legitimate reason is considered as a resignation.

Article Five

The Constitutional Council members take the following oath before starting to practice their function before the President of the Republic during a period of fifteen days maximum as of the date of their assignment completion:

"I swear in the name of God to carry out my work with all due honesty, objectivity and loyalty, and to abide by the constitution and totally preserve the confidentiality of deliberations."

Article Six

After taking the oath, the Constitutional Council members convene upon the call of the eldest member or upon the request of three of them when needed. By secret ballots, they elect a president and vice president for three renewable years following the system of absolute majority in the first round and proportional majority in the second. In case of a tie, the eldest member is elected.

Article Seven

No Constitutional Council member may concurrently be member in the cabinet, parliament or any public institution or civil service.

Article Eight

While carrying their function in the council, the Constitutional Council members may not practice any other private or public work, save for attending international conferences and lecturing in universities.

- Any member who violates this ban is directly considered as resigned and the Constitutional Council has the right to declare this resignation in a decision taken by the majority of seven members.

In this case, the procedure stipulated in new article four of this law is applied.

If the member is a practicing lawyer, his/her membership is immediately suspended and he/she stops practicing the legal profession during the whole period of membership in the Constitutional Council.

Article Nine

During their membership term, the Constitutional Council members are not entitled to give any opinion, consultation, advice or legal opinion on issues that might be brought to their attention. Moreover, they are bound to remain reserved and keep the confidentiality of deliberations.

Law on the Constitutional Council (1993, amended 1999 and 2008)

Article Ten

In public sessions and on official occasions, the Constitutional Council members shall be dressed in a costume as described in the Constitutional Council bylaws.

Chapter Two The Constitutional Council Procedural Rules

Article Eleven

The Constitutional Council meets upon the president or vice president's invitation if the first is absent and in cases stipulated in this law. The session date is notified through administrative means.

The council may hold extraordinary meetings upon the request of three of its members.

The council is not considered officially assembled unless a minimum of eight members are present.

Article Twelve

The Constitutional Council decisions are taken by the majority of at least seven members in reviews related to the verification of the laws' constitutionality and in disputes and challenges arising from parliamentary elections.

The decisions shall be signed by the Council President and all present members. The disagreeing member(s) make a note of their disagreement at the end of the decision document before signing it. Thus the disagreement is considered as an integral part of the decision and should be published and circulated therewith. (Amended by law No. 43 of 3/11/2008)

Article Thirteen

The Constitutional Council resolutions have the *res judicata* power and are binding for all public authorities and administrative and judicial bodies.

The Constitutional Council resolutions are irrevocable and cannot be subject to any kind of ordinary or extraordinary review.

Article Fourteen

The Constitutional Council resolutions and all works issued by it are notified to the President of the Republic, Speaker of the Parliament, President of the Cabinet and competent authorities through administrative means and according to the rules defined by the bylaws.

Article Fifteen

Judicial or legal assistants delegated by the Minister of Justice carry out the Constitutional Council administrative and clerical works. The President of the Council appoints one of them as Chief Clerk. The salaries shall be determined by virtue of a decree issued pursuant to the proposal of the Minister of Justice.

Article Sixteen

The submission of reviews, summons and pertinent documents to the Constitutional Council is exempted from any fees.

Article Seventeen

The Constitutional Council drafts its bylaws including, in addition to the subjects stipulated herein, the rules and regulations governing its work in implementation of this law.

The bylaws shall be approved by the President of the Cabinet and be issued by the parliament by virtue of this law.

Chapter Three Verifying the Constitutionality of Laws

Article Eighteen

The Constitutional Council verifies the constitutionality of laws and other texts having the power of law.

Regardless of any other reference, no judicial authority shall have the right to directly carry out this verification through objection or indirectly through the allegation of violating the constitution or the progression principle of rules and legal texts.

Article Nineteen

The President of the Republic, Speaker of Parliament, and President of the cabinet in addition to a minimum of ten Members of Parliament have the right to question the

Constitutional Council concerning the verification of the laws' constitutionality.

The Leaders of legally recognized rites have the right to question the Constitutional Council concerning issues of personal status, freedom of belief, practice of religious ceremonies and freedom of religious education.

The question is presented by the competent authority to the Constitutional Council president during a period of fifteen days as of the law publishing in the official gazette or any other legally accredited official media under penalty of formal rejection of the question.

Article Twenty

Immediately after the question is lodged in the Constitutional Council bureau, the President or Vice President, if the first is absent, calls the council to convene and discuss whether to suspend the force of the questioned law text or not.

The suspension decision is published in the official gazette.

The President sends a copy of the question to the Constitutional Council members and appoints a reporter from the members.

The reporter shall draft a report and present it to the Constitutional Council within a period of ten days maximum as of the notification date of his/her assignment.

Article Twenty One

When the reporter finishes drafting the report, he/she submits it to the Constitutional Council president who gives copies thereof to the members and calls upon them within a period of five days for a deliberation session. The said session shall remain open until a decision is issued.

The decision shall be issued in the deliberations' room within a period of fifteen days maximum as of the session starting date.

If no decision is issued within the mentioned time frame, the questioned text is deemed accepted.

Article Twenty Two

In its decision, the Constitutional Council declares if the law is totally or partially conforming or conflicting with the constitution.

If the Constitutional Council decides that the questioned text is totally or partially unconstitutional it decides to partially or totally invalidate it by virtue of a justified decision that determines the limits of invalidation. The text to be invalidated is deemed as nonexistent and no one can use it as a pretense, in the limits of the council decision.

Chapter Four Conflicts and Challenges arising from Presidential and Parliamentary Elections

Article Twenty Three

The Constitutional Council decides on the validity of the President of the Republic and Speaker of the Parliament's elections as well as challenges and conflicts arising there from, upon the request of at least one third of the members legally constituting the parliament.

The challenge form should be signed by them personally and presented to the Constitutional Council presidency within twenty four hours following the results declaration, under the penalty of formally rejecting it.

In both cases, the decision is taken in the deliberations room by the majority of seven members at least in the first round. If this majority is not reached, the absolute majority of the council members would be sufficient.

The decision is taken within a period of three days maximum as of the date of receiving the review and the parliament remains held as an electoral college until the Constitutional Council decision is issued.

Article Twenty Four

The Constitutional Council decides on the validity of an elected MP mandate and conflicts and challenges arising from the elections of MPs by virtue of a request that the losing candidate in the electoral district submits to the CC presidency within a period of thirty days maximum as of the official announcement of elections' results in his/her district under the penalty of formally rejecting the request.

Law on the Constitutional Council (1993, amended 1999 and 2008)

Article Twenty Five

The challenge concerning the mandate validity is presented by virtue of an application registered in the Constitutional Council bureau including the name of the challenging party, his/her capacity and the electoral district in which he/she presented his/her candidacy in addition to the name of the challenged elected party and the reasons behind the election annulment. The documents and papers supporting the challenge shall be attached to it.

Article Twenty Six

The challenge does not suspend the elections result and the MP is considered elected and shall practice all his/her parliamentary rights as of the elections results declaration.

Article Twenty Seven

The challenge is notified through administrative means to the Speaker of the Parliament and Ministry of Interior as well as it should be notified along with copies of relevant documents to the challenged MP who is entitled to present his/her comments and justification with the available documents within fifteen days of notification.

Both challenger and challenges have the right to retain one lawyer before the Constitutional Council.

Article Twenty Eight

The Ministry of Interior shall provide the Constitutional Council with all minutes, documents and information it has to allow it to carry out the required investigations.

Article Twenty Nine

The Constitutional Council president appoints one member to draft a report on the submitted challenge and assigns him/her to carry out the required investigations. The appointed member enjoys broad powers and is particularly entitled to request official documents and others, hear witnesses and call upon everyone he/she considers fit for questioning on the challenges conditions.

The appointed member should prepare his/her report within three months maximum from the date of appointing him/her then transfer it to the Constitutional Council presidency.

Article Thirty

After receiving the reporter's report, the Constitutional Council shall immediately meet and discuss the challenge subject. The sessions remain open until issuing the decision provided that the issuing period does not exceed one month.

Article Thirty One

In its decision, the Constitutional Council declares the validity or invalidity of the appealed mandate and in the second case it is entitled to either annul the result of the challenged candidate and cancel his/her mandate and consequently correct the result and announce the victory of the candidate who received the majority of votes and meets the conditions qualifying him/her for deputyship or cancel the challenged mandate of the candidate and impose the reelection for the seat which became vacant as a result of the mandate cancellation.

Article Thirty Two

When the Constitutional Council, either with all members convened or through the appointed member, practices its powers as to deciding on challenges to the validity of parliamentary elections, it has the authority of the investigation judge except for issuing arrest warrants.

Article Thirty Three

All provisions opposing this law and conflicting with its content are deemed void, especially law number 305 dated 21 March 1994 and articles 3, 4, 5 as well as paragraph one of article 7 and article 25, 26, 40 and 42 in law number 516 dated 6 June 1996 (the Constitutional Council bylaws).

Article Thirty Four

This law shall enter into force directly upon its publication in the official gazette.

Beirut on 14 July 1993

Issued by the President of the Republic

Signature: Elias HRAWI

The Premier

Signature: Rafik HARIRI

The Premier

Signature: Rafik HARIRI

Law number 250 was amended by law number 150 dated 30/10/1999 published in the official gazette issue number 54/99 dated 11/11/1999

Baabda on 30 October 1999

Signature: Emil LAHOUD

Issued by the President of the republic

The Premier

Signature: Salim EL HOSS

The Premier

Signature: Salim EL HOSS

Law no. 250 was amended by law no. 43 dated 3/11/2008 and published in the official gazette issue no. 47 dated 6/11/2008

Baabda on 3 November 2008

Signature: Michel SLEIMAN

Issued by the President of the Republic

The Premier

Signature: Fouad SINIORA

The Premier

Signature: Fouad SINIORA