



MINISTRY OF JUSTICE



ASSOCIATES OF JUDICIAL ARBITRATION BOARDS





Associates of Judicial Arbitration Boards

1) Experts:

The board may, itself or at the request of either party to dispute, seek assistance of an expert, after it fixes his fees and administers him the oath, if such an expert is not a subordinate of Experts Department to submit a written or verbal report on technical issues brought to Judicial Arbitration. However, the opinion of expert shall be consultative, and not mandatory to the Arbitration Board. The expert shall assist the board in solving the dispute. Thus, the expert becomes an assistant to arbitration in good administration of justice.

2) Lawyers:

Either party to dispute may resort to a lawyer to render assistance in arbitration and defend such party before Arbitration Board. However, this lawyer must have got a limited power of attorney or at least a proof of authorization given by the party to dispute at the minutes of session before the board. Once the power of attorney is issued, the domicile of the attorney shall be considered for serving the papers necessary for the progress of arbitration proceedings.

Further, the Judicial Arbitration Law does not require that the lawyer shall sign original request and copy thereof furnished to Arbitration Board while the law requires so upon challenge by cassation of the Judicial Arbitration award.



3) Translators:

In view of the fact that the Arabic language is spoken nationwide and the language spoken in courts of law is Arabic, the language of the board should be Arabic. Therefore, if a party to dispute or a witness is a foreigner, an assistance of translator must be sought after administration of oath, to interpret in Arabic to the board the defense of the foreign party to dispute or witness. Thus, the board would learn the aspects of the case or otherwise. Accordingly, the translator will be able to translate the questions to the foreign party to dispute or witness from Arabic into the language of the party to dispute or witness and vice versa.

4) Witnesses:

The board shall have the authority to seek, itself or at the request of either party to dispute, the assistance of witnesses to get clarified the facts of the case. The witness must be honest and sincere in delivering his testimony either orally or in writing, if it is so permitted by the board.

However, if the witness is dumb, he may deliver his testimony in writing or in sign. Further, the Arbitration Board may issue orders and awards as to the punishment legally prescribed against any witness who fails to attend or refrains from response or as to an award to commit a third party to exhibit a document in his possession necessary for giving award in arbitration or ordering letters rogatory.

5) Court of Appeal Clerks Department:

The Arbitration Department shall be assisted by Court of Appeal Clerks Department. The original award ending the dispute, along with the original agreement on arbitration shall be lodged at Court



of Appeal Clerks Department within five days from issuance of award. This department shall affix the writ of execution on the award, according to articles 7, 9 of Law No. 11/1995 concerning judicial arbitration.

A report on recusal of any board member shall be lodged at of Court of Cassation Clerks Department.

6) Clerks and Process-Servers at Judicial Arbitration Department:

The judicial Arbitration Department provides Arbitration Boards with eligible arbitration secretaries who attend the sessions of these boards, note down anything received at the minutes of those sessions and prepare minutes on doing so. The employees and process-servers of Judicial Arbitration Department do the same.

P.S.

The Public Prosecution shall not be represented before any arbitration board. It shall not be considered included within the formation of any arbitration board, because the issues brought before any such board do not relate to public system, but they relate only to civil and commercial matters.



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