



MINISTRY OF JUSTICE



**JUDICIAL ARBITRATION  
DEPARTMENT**



# Judicial Arbitration Department

## Introduction:

Judicial Arbitration Department was established, pursuant to articles 1, 3, 4, 13 of Law No. 11 of 1995. Article 13 of this Law states: “the Minister of Justice shall issue the resolutions necessary for implementing this Law, provided they include the provisions on regulation of Judicial Arbitration Department at the Court of Appeal”.

Based on the statutory authorization granted unto him, the Minister of Justice issued his resolution no. 44 of 1995, as amended under resolution no. 112/1995 establishing Judicial Arbitration Department, specifying its different sections and the powers of each section as will be mentioned hereunder.

Arbitration Department shall be led by a director to supervise employees thereof, monitor the implementation of administrative regulations and rules regulating operations, eliminate obstructions of operation progress, select the arbitrator next in roll, deploy department employees on different sections, and issue circulars relating to progress of operation. The director shall be abetted by two assistants delegated by him in part of his powers. The department shall be comprised of the following sections:

## Cause-list Section:

### It shall:

Receive request for arbitration and its attachments from the parties concerned, provided that this request shall be made into one original and several copies, depending on the number of parties to dispute, verify that this request contain all data, including editing date of request, names of parties to dispute, their fees and capacities, names of their representatives, native place of origin or selected domicile of each, subject of dispute brought to arbitration board, briefed motions, defense and arguments held on to by each party to dispute, name of selected arbitrator, if any, and proof of payment of his fees, and the request shall be enrolled in the special register on the day submitted.

Complete procedures for appointing selected arbitrators and for depositing monies allocated for their fees at Arbitration Department Treasury.

Present the request for arbitration to chief, board of jurisdiction, for scheduling first



session to consider the dispute, where to be held and the date fixed for parties to dispute to submit their documents, memoranda and aspects of defense.

Surrender the request for arbitration to Service Section to serve upon the parties to dispute full formation of the board, date of first session scheduled for considering the dispute, the date fixed for the parties to dispute to submit their documents, memoranda and aspects of defense before that session, or to serve upon the selected arbitrators the date of first session scheduled for considering dispute and date of convention of that session.

After serving the requests for arbitration, deliver them from Service Section to board secretary to bring them forth to the board of jurisdiction for timely settling the dispute.

### **Service Section:**

#### **It shall:**

Serve upon the parties to dispute date of first session scheduled for considering it, venue of board , and also the time fixed for them to submit their documents and aspects of defense prior to that session.

Notify the selected arbitrators of the date and venue of first session scheduled for considering the dispute.

Service shall be made within the first five days following the scheduling of session by the chief of board. Parties to dispute shall be served upon at their country of origin or selected domicile without regard to dates of service stated in Procedural Law.

### **Board Secretariat Section:**

Board Secretariat shall be assumed by an employee of the Court of Appeal, i.e. an employee of Arbitration Department, who shall:

Receive requests for arbitration from Cause-list Section after completion of service, timely collect documents and memoranda of parties to dispute and prepare schedules of arbitration sessions.

Refer requests for arbitration to the relevant board at the sessions scheduled for hearing the said requests, attend these sessions, record their events implement the resolutions



passed during the said sessions in the following day of their issuance and enter those resolutions in the special schedules.

Send drafts of given awards to Typing Division, collect them after typing, refer them to chief of arbitration board for signature, and deliver copies of those awards to the parties concerned, according to the rules prescribed by Procedural Law.

Forward arbitration file to the Court of Cassation, in case of challenge by cassation.

Forward arbitration file to Archives Section for custody archiving after ending settlement of dispute.

### **Archives Section:**

It shall receive arbitration files after they are finally settled, register them in special records and keep them, according to regulations and rules applicable to record-keeping. It shall also deliver documents deposited at arbitration files and copies of



awards issued in their respect to parties concerned, according to applicable regulations, prepare and surrender certificates abstracted from arbitration files kept in accordance with applicable regulations.

### **Administrative Affairs Section:**

This section is comprised of an Administrative Affairs Division, Typing, Copying and Computer Division, Treasury Division and Secretariat Division. Each division thereof shall carry out the powers set forth in the ministerial resolutions issued in this regard.

Further, the department shall prepare and register lawsuit files. The department also contains lists of registered arbitrators and the department director shall choose amongst them the arbitrator who comes next in turn at these lists. For entry into the schedule, an arbitrator must be a Kuwaiti citizen, male or female; good-mannered and reputable; not previously dismissed from service by reason of disciplinary punishment resolution, unless such an arbitrator completes at least three years from the issue date of such resolution; not previously convicted by detentive penalty on account of felony or misdemeanor involving moral turpitude or dishonesty, unless such an arbitrator is rehabilitated; got appropriate academic and practical experience to be adopted by Arbitration Affairs Council, which is comprised of Mr. Justice, President of the Court of Appeal as chairman, Assistant Undersecretary for Experts and Arbitration Affairs as vice chairman; Assistant Undersecretary for Administrative and Financial Affairs as member; Senior Chief of Judicial Arbitration as member; Head of Technical Office at the Court of Appeal as member; and Director of Judicial Arbitration as member. The secretariat shall be assumed by an employee of Judicial Arbitration Department.



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