

The Court Structure in Qatar

by Roy Georgiades

September 2012

In Qatar the legal framework is made up of three types of courts, the civil, the Criminal and the Islamic “Shari’a” courts. The civil courts have exclusive jurisdiction over civil, commercial, banking, insurance and maritime matters.

The Criminal Courts rule over all crimes under its jurisdictions. The “Shari’a” courts have exclusive jurisdiction in connection with all family law matters.

The Government of Qatar has been keen to support and organise its legal system along contemporary lines, therefore its legal system is rooted in the Napoleonic Code which was adopted for the Middle East by Egypt. Judges are independent and their decisions are taken and implemented in accordance with the law. The court proceedings are open to the public unless the court decides of its own accord or at the request of an interested party to hold them in closed session, if that would best serve the interests of the public or general order. In all cases, sentences are pronounced in public sessions. Arabic is the official language in the courts of law in Qatar, but the courts will also hear evidence given by non-Arabic speakers and witnesses through an interpreter, who are required to take an oath and obliged to observe all honesty, integrity and sincerity.

The courts of justice are divided into the following main categories:

1. The Criminal Court which comprises the Lower Criminal Court and the Higher Criminal Court;
2. The Civil Court which comprises the Lower Civil Court and the Higher Civil Court and also contains the Civil Department and Administrative Department;
3. The Court of Appeal which contains three divisions: Criminal, Civil and Administrative; and
4. The Court of Cassation which contains four divisions Criminal, Civil, Administrative and Constitutional.

The Lower Criminal Court hears and decides on cases of minor offences and misdemeanours. It is presided over by a single judge referred to as the lower criminal court judge.

The Higher Criminal Court hears and decides on all cases of major crimes as well as appeals filed on sentences issued by the lower criminal court on minor offences. The authorities of this court are vested on a tribunal comprising a judge known as the President of the Higher Criminal Court and two judges as members.

The lower Civil Court is composed of a single judge called the lower Civil Court Judge who hears and decides on all civil and commercial cases in which the disputed amounts of money do not exceed the sum of QAR100,000.

The Higher Civil Court hears and decides on all civil and commercial cases were disputed and cases of personal status of non-Muslims. It also acts in an appellant jurisdiction in relation to dispute rulings of the Lower Civil Court. The court is formed of three judges with the senior of them presiding over the court and holding the title of President of the Higher Civil Court. Each of the other two judges holds the title of Higher Civil Court Judge.

The Administrative Court determines applications concerning administrative actions and disputes over certain government contracts and decisions. There are two circuits which exclusively hear and

decide on the application against administrative actions and disputes over certain government contracts and decisions. The inferior is a circuit in the Court of first instance and is composed of three judges. The superior is the appellate circuit with a similar formation to hear appeals from the decisions of the first instance circuit beside the preliminary jurisdiction to entertain and decide on applications on matters relating to elections of the Shura (consultation) council and central municipal council and review of certain administrative decisions. The objections to the decisions of the administrative circuit of the Court of Appeal may be carried over to the Court of Cassation if the other requirements of the application for Cassation are satisfied.

The Court of Appeal is responsible for deciding on the appeals filed against the sentences issued by the Higher Criminal, Civil Courts, and Administrative and Labour Courts, and comprises of three members.

The Court of Cassation is the highest court in the Qatari judicial system. It is responsible for deciding on the appeals filed against the judgment issued from the Court of Appeal.

The Constitutional Court was established by virtue of Law No. 6 of 2007 and forms a division of the Court of Cassation.

At the same time there are a number of specialist tribunals in addition to the court systems, in 2008, the new Lease Law no. 4 of 2008 established a specialist committee presided over by a judge. This tribunal exercises jurisdiction over all rental disputes (residential and commercial) and plays a central role in the day to day business of companies and residents in Qatar. The findings of this tribunal may be appealed to the Court of Appeal.

In addition, the QFC Regulatory Authority (QFCRA) regulates financial issues including, banking, insurance, derivatives and securities. The QFC Regulatory Tribunal (QFCRT) has jurisdiction to hear appeals raised by individuals and corporate bodies against decisions of QFCRA and other QFC institutions.