

THE SUPREME COURT OF ERITREA
ASMARA, ERITREA

In the Matter of:

Case No.: SC130726THO00001

Thomas Samuel Aron,
 plaintiff
 Vs
Government of Eritrea,
 defendant

(The passport and exit visa case)

NOTICE INVITING SUPPLEMENTAL AND AMICUS CURIAE BRIEFS
PURPOSE AND PROCEDURAL AUTHORITY

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INTRODUCTION

1. The Court has received the Government's Motion to Dismiss Complaint and the Plaintiff's Brief in Support of Complaint. The briefs take different positions on the right to leave Eritrea, passport and exit-visa regulation, limitations of rights, administrative fairness, international law, and constitutional remedies.
2. Under Rules 26, 37, 42, 50, 84, and 106 of the Rules of Procedure, the Court may permit additional submissions, receive amicus curiae assistance, and manage matters not expressly addressed by the Rules.
3. This Notice expresses no view on the merits.

INVITATION TO THE PARTIES

4. The Court grants each party leave, but does not require either party, to file one supplemental brief responding to the opposing party's opening submission. A supplement should address the points of disagreement that matter to the disposition of the case.
5. The supplemental brief should add analysis rather than repeat the opening filing. It may also identify any issue that cannot properly be resolved on the Statement of Agreed Facts and explain the appropriate procedure under Rules 31 and 32.
6. Participation is voluntary. No adverse inference will arise from a party's decision not to file a supplemental brief. To permit consideration before the presently noticed hearing, the Court encourages any party supplement to be filed through CAAM on or before August 12, 2026.

INVITATION TO AMICI CURIAE

7. Under Rules 26 and 42, the Court invites amicus assistance from the public, law schools, legal scholars, practitioners, bar associations, human rights organizations, and others with relevant expertise.
8. An amicus may support either party or neither party. A proposed brief should offer legal authority, comparative practice, or scholarly analysis not adequately covered by the parties. It should not duplicate the parties' briefs or introduce disputed facts outside the Statement of Agreed Facts.
9. As Rule 26 requires, a prospective amicus shall file a Motion for Leave identifying the interest represented and explaining how the brief would assist the Court. The proposed brief should accompany the motion. The Court encourages filing through CAAM on or before August 17, 2026. Amicus participation does not include oral argument unless the Court separately grants leave.

QUESTIONS ON WHICH THE COURT WOULD BENEFIT FROM FURTHER ASSISTANCE

10. The following questions are neither exhaustive nor assumptions that every question must be decided. A submission should address only those matters on which it can materially assist the Court.
1. Article 19(9) and the Nature of the Right: The scope of the right to leave and return and to be provided a passport or other travel document; the extent of any positive governmental duty; and the distinction between a passport and an exit visa.
 2. The Article 26 Limitations Framework: The requirements for a valid limitation, including legal authority, a permitted purpose, necessity, proportionality, and preservation of essential content; the burden of justification; and the significance of Article 19(9)'s omission from Article 26(3).
 3. Pre-Constitutional Legislation: The status of Proclamation 24/1992 and Regulation 4/1992 after adoption of the Constitution, the application of Article 26(2)(c) to an earlier enactment, and the availability of a narrowing construction or severance.
 4. Administrative Justice Under Article 24: Whether a quick and equitable answer requires reasons, what administrative redress must be available, and how confidential or security-sensitive grounds should be handled.
 5. Treaties and Domestic Law: How treaties are negotiated and ratified under Articles 42(6), 32(4), and 33 of the Constitution, and what domestic legal or interpretive effect a properly ratified treaty, including the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights, has in Eritrean courts.
 6. Comparative and International Standards: Relevant African, international, and comparative jurisprudence on the right to leave, access to passports, permissible restrictions, reasons, and proportionality.
 7. Constitutional Remedies and Institutional Limits: The relief available under Article 28, including declarations, nullification, issuance or reconsideration, remand, prospective relief, compensation, and costs, consistently with judicial restraint.
 8. Method and Restraint: The interpretive approach the Court should use under Rule 74 and how it may give useful guidance while deciding only the questions necessary to resolve this case.

FILING AND PRESENTATION

11. All submissions shall be filed through CAAM in searchable PDF form and shall comply with Rules 33 and 38–45. Authorities should be cited accurately and consistently and, where practicable, linked to an official or reliable public source. Every filer remains responsible for the accuracy of quotations, translations, factual references, and authorities, including material prepared with technological assistance.
12. As guidance, a party's supplemental brief should ordinarily not exceed 10 pages, and a proposed amicus brief should ordinarily not exceed 15 pages, excluding the cover, tables, and proof of service. Joint amicus submissions are encouraged where several proposed amici would address substantially the same issue.

13. A party may, but is not required to, file a response of no more than 5 pages addressing accepted amicus submissions on or before August 24, 2026. The suggested dates in this Notice do not alter any existing hearing notice.
14. Accepted filings will ordinarily become part of the public Electronic Case File under Rules 48 and 84. Questions concerning filing mechanics shall be submitted through CAAM and shall not address the merits.

Issued by the Court

Date: July 26, 2026

PROOF OF SERVICE: Executed via CAAM on all parties.