

DRAFTING NOTE**CONSULTATION DRAFT — NOT ENACTED LAW**

Institutional risk	Legislative safeguard
Administrative power used to influence adjudication	Express prohibition on case influence, access to deliberations, outcome-based retaliation and manipulation of assignments, budgets, staff or technology.
Merger creates excessive concentration of power	Functional separation of appointment, discipline, corporate governance and operational service units; conflict rules; protected records; judicial review and public reporting.
Commission encroaches on Supreme Court autonomy	Supreme Court determines its internal organization and operation; unresolved budget objections accompany the consolidated submission to the National Assembly.
Appointments become political or opaque	Public merit criteria, independent professional selection processes, recorded reasons, National Assembly scrutiny and the distinct constitutional appointment routes.
Court statistics become a tool for judge-by-judge pressure	Aggregate, verified reporting; prohibition on merits-based performance control; restricted access to case-level and disciplinary data.
Technology excludes or surveils court users	Physical and assisted filing, accessibility and language standards, privacy and cybersecurity controls, audit logs and human responsibility for consequential decisions.
Transition disrupts courts and personnel	Preservation of records, lawful continuity, phased implementation, transparent interim appointments and transfer of functions without transfer of adjudicative authority.

Draft status. This is an institution-building draft for constitutional, legislative, professional and public consultation. Before enactment it must be harmonised with the final civil, criminal, procedural, public-finance, public-service, legal-profession, legal-aid, security, data-protection and access-to-information legislation.

Article 53 of the Constitution establishes the Judicial Service Commission and requires its organization, powers and duties to be determined by law. This draft gives the Commission a unified mandate: it retains its constitutional role in judicial recruitment and service conditions while assuming judiciary-wide professional services previously assigned to a proposed Judiciary Administration Commission.

The merger is intended to avoid institutional duplication and to place judicial administration within an independent constitutional institution. The Administrative Office of the Judiciary remains operationally distinct from appointment and disciplinary processes, and access controls separate administrative, recruitment, disciplinary and adjudicative information.

The Commission may set standards and supply resources, personnel, technology, facilities, statistics and other shared services. It may not decide or influence a case, obtain confidential deliberations, manipulate case assignment or use administrative power to reward or punish a judicial outcome. The Supreme Court retains its constitutional authority over its internal organization and operation.

DRAFT ACT

ACT NO. ____/2026

JUDICIAL SERVICE COMMISSION ACT, 2026

AN ACT TO PROVIDE FOR THE ORGANIZATION, POWERS AND DUTIES OF THE JUDICIAL SERVICE COMMISSION AND FOR THE INDEPENDENT INSTITUTIONAL SERVICE OF THE JUDICIARY

PREAMBLE

WHEREAS, the Constitution vests judicial power in independent courts and establishes the Judicial Service Commission as a constitutional institution responsible for recommendations concerning the recruitment of judges and the terms and conditions of their service;

WHEREAS, the organization, powers and duties of the Judicial Service Commission are to be determined by law;

WHEREAS, judicial independence requires professional control of the budgets, information, personnel, facilities, technology and services necessary for courts to function effectively;

WHEREAS, a unified constitutional institution can reduce duplication while preserving functional separation, confidentiality, accountability and the decisional independence of every court and judge;

NOW, THEREFORE, the National Assembly of Eritrea enacts as follows:

CHAPTER 1 PRELIMINARY PROVISIONS

Article 1 — Short title

This Act may be cited as the Judicial Service Commission Act, 2026.

Article 2 — Definitions

1. In this Act, unless the context otherwise requires:
 - a. “appointing authority” means the President, acting in accordance with the Constitution;
 - b. “Chairperson” means the Chairperson of the Commission elected under Article 24;
 - c. “Code” means the judicial code of conduct determined by law pursuant to Article 48(2) of the Constitution;
 - d. “Commission” means the Judicial Service Commission established by Article 5;
 - e. “Commissioner” means a member of the Commission;
 - f. “complainant” means a person or body that submits a complaint concerning the conduct or capacity of a judge;
 - g. “Constitution” means the Constitution of Eritrea of 1997;
 - h. “court” means the Supreme Court or a lower court established by law;
2. In this Act, unless the context otherwise requires:
 - a. “judge” includes the Chief Justice, a Justice of the Supreme Court and a judge of a lower court, but does not include an administrative employee who exercises no judicial power;
 - b. “judicial office” means an office in which judicial power is exercised under the Constitution or another law;
 - c. “judicial service” means service as a judge and, where another law so provides, service in another judicial office;
 - d. “lower court” means a court established by law below the Supreme Court;
 - e. “proposal” means the Commission’s formal nomination of a person for appointment to judicial office under Article 42(8) or 42(9) of the Constitution;
 - f. “public member” means a Commissioner appointed under Article 19 who is not serving as a judge, legal practitioner or law teacher; and
 - g. “Secretary” means the Secretary to the Commission appointed under Article 31.

Article 3 — Objects of the Act

1. The objects of this Act are to:
 - a. give effect to Articles 42, 52 and 53 of the Constitution;
 - b. safeguard the independence and impartiality of the judiciary;
 - c. establish transparent, competitive and merit-based judicial recruitment;
 - d. protect the security of tenure and procedural rights of judges;
2. The objects of this Act are also to:
 - a. provide a fair and effective system for complaints, discipline and incapacity;

- b. promote competence, integrity, diversity and equal opportunity in judicial service; and
- c. secure the institutional independence, accountability and public credibility of the Commission; and
- d. provide an independent constitutional home for judiciary-wide planning, finance, court services, technology, statistics and institutional development.

Article 4 — Constitutional consistency and application

1. This Act shall be interpreted in conformity with the Constitution and, in particular, with the independence of the courts under Article 48.
2. Nothing in this Act authorizes the Commission to direct, review or influence the decision of a court or judge in any case.
3. Nothing in this Act alters:
 - a. the constitutional method for selecting and appointing the Chief Justice;
 - b. the authority of the Supreme Court to determine its internal organization and operation under Article 49(3); or
 - c. the appointment and approval powers conferred upon the President and the National Assembly by Article 42.
4. Where another law is inconsistent with this Act in a matter within the constitutional mandate of the Commission, this Act shall prevail to the extent of the inconsistency, subject always to the Constitution.

CHAPTER 2

ESTABLISHMENT, STATUS AND FUNCTIONS

Article 5 — Establishment of the Commission

1. The Judicial Service Commission required by Article 53 of the Constitution is hereby established.
2. The Commission is an autonomous constitutional institution with perpetual succession and juridical personality.
3. The Commission may acquire, hold and dispose of movable property, enter into contracts, and sue and be sued in its own name.
4. The head office of the Commission shall be in Asmara, and the Commission may establish offices elsewhere in Eritrea as resources and access to justice require.

Article 6 — Independence of the Commission

1. In performing its functions, the Commission shall be independent and subject only to the Constitution and the law.
2. No person or authority may direct or control the Commission concerning a particular candidate, complaint, investigation, disciplinary matter or recommendation.
3. Every organ of the State shall protect the independence, dignity, resources and effective functioning of the Commission.
4. A Commissioner or member of staff shall not seek or receive instructions from a political party, public officer, security organ, professional association or other person concerning the determination of an individual matter.

Article 7 — Constitutional and judicial-service functions

1. The Commission shall:
 - a. conduct recruitment and submit proposals for the appointment of Justices of the Supreme Court other than the Chief Justice;
 - b. conduct recruitment and submit proposals for the appointment of judges of the lower courts;
 - c. conduct or supervise competitive processes for promotion to judicial offices where appointment to the office is made under Article 42(8) or 42(9) of the Constitution;
 - d. make recommendations to the President, the National Assembly and any other competent authority concerning the terms and conditions of judicial service;
 - e. receive and determine complaints within its jurisdiction concerning judges;
 - f. investigate whether a judge should be removed for a ground stated in Article 52(1) of the Constitution;
 - g. recommend to the President the removal of a judge where the constitutional standard is met;
2. The Commission shall also:
 - a. recommend to the President the suspension of a judge under investigation where the requirements of Article 84 of this Act are met;

- b. administer proportionate disciplinary measures short of removal as provided by this Act and the Code;
- c. develop and publish policies and procedures for judicial recruitment, promotion, ethics and discipline;
- d. recommend measures that strengthen judicial competence, integrity, independence and equal access to judicial office;
- e. maintain reliable records and statistics concerning its work;
- f. report publicly on the discharge of its mandate; and
- g. perform any other function conferred by a law that is consistent with the Constitution and judicial independence.

Article 8 — Limitations on the Commission’s mandate

1. The Commission shall not select, nominate or propose a candidate for appointment as Chief Justice.
2. The Commission shall not review the correctness of a judicial decision; a challenge to such a decision shall be pursued only through appeal, review or another judicial remedy provided by law.
3. A judge shall not be disciplined merely because a decision is unpopular, is reversed on appeal, or contains an error made in good faith.
4. The Commission shall not administer the adjudicative business of a court, assign particular cases, or interfere with the Supreme Court’s constitutional power over its internal organization and operation.
5. The Commission shall not conduct a collective purge or removal of judges. Any allegation affecting tenure shall be determined individually under Article 52 of the Constitution and this Act.

Article 9 — General powers

1. For the proper performance of its functions, the Commission may:
 - a. require a person, subject to lawful privilege, to provide relevant information or a document;
 - b. summon a person to give evidence in a disciplinary investigation or hearing;
 - c. administer an oath or affirmation;
 - d. commission lawful background, professional-standing and integrity checks;
 - e. obtain expert advice, including medical or occupational evidence in an incapacity matter;
2. For the proper performance of its functions, the Commission may also:
 - a. establish committees and panels;
 - b. enter into cooperative arrangements with courts, professional bodies, educational institutions and constitutional institutions;
 - c. conduct research and public consultation;
 - d. adopt forms, policies, guidelines and internal procedures; and
 - e. do anything reasonably incidental to a function lawfully conferred upon it.

Article 10 — Judiciary-wide service functions

1. In addition to its functions concerning judges, the Commission shall—
 - a. adopt national policy for the institutional support and development of the judiciary;
 - b. prepare and submit a consolidated judicial budget while preserving the Supreme Court’s constitutional authority over its internal organization and operation;
 - c. establish standards for registries, records, court technology, cybersecurity, facilities, accessibility, interpretation, security and public information;
 - d. establish merit-based frameworks for nonjudicial court personnel;
 - e. collect, verify and publish judicial statistics and use them for evidence-based workforce and resource planning;
 - f. recommend court stations, circuits and institutional reforms as provided by the Judiciary Establishment Act;
 - g. oversee the Administrative Office of the Judiciary; and
 - h. perform another judiciary-service function conferred by an Act consistently with judicial independence.
2. The Commission shall exercise these functions through policies and professional services and shall not administer the adjudicative business of an individual case.

Article 11 — Prohibited functions and protection of adjudication

1. The Commission shall not—
 - a. decide, review or influence a case;
 - b. assign a particular case except through a neutral system lawfully administered by the responsible Registrar;
 - c. obtain access to confidential judicial deliberations;
 - d. use budgets, facilities, technology, staff, transfer or security arrangements to reward or punish a judicial outcome;
 - e. exercise a judicial-appointment or disciplinary power otherwise than under the Constitution and this Act;
 - f. alter jurisdiction, judicial tenure or the number of Supreme Court Justices by regulation; or
 - g. interfere with the Supreme Court’s authority under Article 49(3) of the Constitution.
2. A policy, decision or practice contrary to this Article is invalid.

Article 12 — Decisions and publication

1. A material Commission decision shall be reasoned, recorded and published.
2. Confidentiality may protect personnel privacy, security, procurement integrity or privileged advice only to the extent necessary.
3. Minutes shall record attendance, recusals, votes and implementation responsibility.

Article 13 — Consultation

1. A major policy affecting court users, jurisdictional access, language, public records or professional practice shall ordinarily be published for comment.
2. The Commission shall publish a response explaining material choices.

CHAPTER 3 COMPOSITION AND TENURE

Article 14 — Composition

1. The Commission shall consist of nine Commissioners:
 - a. the Chief Justice, ex officio;
 - b. one Justice of the Supreme Court, elected by the Justices of that Court other than the Chief Justice;
 - c. one judge of a lower court, elected by the judges of the lower courts;
 - d. two legal practitioners of not less than ten years' good standing, elected by the members of the legal profession in a manner prescribed by regulation;
 - e. one teacher of law of not less than ten years' professional experience, selected jointly by accredited Eritrean institutions that provide university-level legal education; and
 - f. three public members selected and appointed under Article 19.
2. The Secretary shall attend meetings but shall have no vote.
3. No Minister, member of the National Assembly, serving member of a security or defence force, public prosecutor, political-party officer or employee of the Office of the President may serve as a Commissioner.

Article 15 — Diversity and inclusive membership

1. The composition of the Commission shall, taken as a whole:
 - a. include women and men, with no more than two-thirds of the Commissioners being of the same sex;
 - b. reflect, as reasonably practicable, Eritrea's regional, cultural, religious and linguistic diversity;
 - c. include persons with experience of communities that have historically faced barriers to justice; and
 - d. be based on individual merit and integrity and not on political patronage.
2. Bodies electing or selecting Commissioners shall coordinate through the Secretary solely to comply with sub-Article (1), without interfering with each other's substantive choice.
3. The public-member selection process shall correct any remaining imbalance necessary to satisfy sub-Article (1)(a).

Article 16 — General qualifications

1. A Commissioner shall:
 - a. be an Eritrean citizen;
 - b. be of proven integrity, independence, competence and sound judgment;
 - c. understand the Constitution, judicial independence and fair administrative procedure;
2. In addition to satisfying paragraph 1, a Commissioner shall:
 - a. be able to devote sufficient time to the work of the Commission; and
 - b. satisfy the qualifications applicable to the category of membership concerned.

Article 17 — Disqualifications

1. A person is not eligible to serve, or shall cease to serve, as a Commissioner if the person:
 - a. is not qualified under Article 16;
 - b. is an undischarged bankrupt;
 - c. has been convicted of an offence involving dishonesty, corruption, abuse of office or serious violence, unless the conviction has been lawfully set aside;
 - d. has been removed from public or professional office for serious misconduct;
2. A person is also not eligible to serve, or shall cease to serve, as a Commissioner if the person:
 - a. holds an office prohibited by Article 14(3);
 - b. is an office-holder or paid employee of a political party, or has held such a position during the preceding three years;
 - c. is incapable of performing the functions of office; or
 - d. has a financial or other interest that substantially impairs the person's independence and cannot reasonably be managed by disclosure and recusal.

Article 18 — Election and selection of professional members

1. An election or selection under Article 14(1)(b)–(e) shall be conducted by secret ballot or another independently verifiable procedure.
2. The responsible body shall:
 - a. publish the vacancy and eligibility requirements;
 - b. permit nominations and reasonable public scrutiny of eligible candidates;
 - c. conduct the process fairly and without political direction; and
 - d. certify the result to the Secretary.
3. Detailed procedures, including an independent election administrator and a process for resolving disputes, shall be prescribed by regulation.
4. A person selected under this Article shall be presented to the National Assembly for approval and, upon approval, formally appointed by the President in accordance with Article 42(7) of the Constitution. Neither authority may substitute a person who was not selected through the applicable independent process.

Article 19 — Selection and appointment of public members

1. Public members shall be selected through open competition by an independent Public Appointments Panel consisting of:
 - a. a person nominated by the standing committee of the National Assembly responsible for justice, who shall convene the Panel;
 - b. the Auditor General or a nominee of that office;
 - c. the head of the Civil Service Administration or a nominee of that institution;
 - d. a person jointly nominated by accredited Eritrean universities; and
 - e. a person selected, after a public call, by lawfully constituted civic organizations working in human rights, disability, women's equality or access to justice.

2. A member of the Panel shall satisfy Article 16(1)(b), disclose interests and not be a candidate.
3. The Panel shall publish the vacancy, receive applications and public information, verify qualifications, conduct public interviews and submit to the President a merit-ranked shortlist of two qualified candidates for each vacancy.
4. At least one public member shall have substantial experience in public administration, finance, institutional management or community access to justice.
5. The President shall nominate one shortlisted candidate for each vacancy and transmit the nomination to the National Assembly under the Public Appointments Approval Act.
6. The National Assembly shall approve or reject the nominee under Article 42(7) of the Constitution and the Public Appointments Approval Act, and the President shall formally appoint an approved nominee within fourteen days.
7. No authority may substitute a person who was not nominated and approved under this Article.

Article 20 — Term of office

1. A Commissioner elected or selected under Article 14(1)(b)–(e) serves for four years and may be re-elected or reselected once.
2. A public member serves for five years and is not eligible for immediate reappointment.
3. The term of an ex officio Commissioner continues only while the person holds the qualifying office.
4. Terms shall be staggered in accordance with Schedule 3 to preserve continuity.
5. A Commissioner whose term expires may complete participation in a disciplinary hearing that began before expiry, but shall not otherwise continue in office.

Article 21 — Oath or affirmation

Before assuming office, every Commissioner shall make the oath or affirmation in Schedule 1 before a judge designated by the Supreme Court or another judicial officer authorized by law.

Article 22 — Vacancy and temporary inability

1. A vacancy occurs upon death, resignation, expiry of term, disqualification or lawful removal.
2. A Commissioner may resign by written notice to the Chairperson, or, in the case of the Chairperson, to the Vice-Chairperson.
3. A vacancy shall be filled by the same method and from the same category as the original appointment within sixty days.
4. A temporary vacancy or absence does not invalidate proceedings if quorum and category requirements are met.
5. No alternate may vote in place of a Commissioner except where expressly authorized by this Act for an ex officio office.

Article 23 — Removal of a Commissioner

1. A non-ex-officio Commissioner may be removed only for serious misconduct, incapacity, gross incompetence, persistent failure to perform duties, or a disqualification under Article 17.
2. Removal shall occur only after a fair hearing before an independent tribunal consisting of:
 - a. a retired judge nominated by the Supreme Court;
 - b. a legal practitioner of at least fifteen years' standing nominated by the legal profession; and
 - c. a public-administration or governance expert nominated by the Auditor General and the Civil Service Administration jointly.
3. The tribunal shall be convened by the Chairperson of the National Assembly and shall publish a reasoned finding, subject to lawful protection of private information.
4. Where the tribunal finds a ground proved, the body that elected or selected the Commissioner shall remove that Commissioner. In the case of a public member, removal shall be effected by a two-thirds vote of the National Assembly and formal notice by the President.
5. A Commissioner may be suspended on full remuneration only where an allegation is serious and continued service presents a substantial risk to the Commission's integrity or investigation. Suspension shall be reviewed every thirty days.

CHAPTER 4 GOVERNANCE AND DECISION-MAKING

Article 24 — Chairperson and Vice-Chairperson

1. At its first meeting following a vacancy in either office, the Commission shall elect:
 - a. the Chairperson from among the public members; and
 - b. the Vice-Chairperson from among the Commissioners who are neither judges nor public officers.
2. The Chairperson and Vice-Chairperson serve in that capacity for three years and may be re-elected once if their underlying term continues.
3. The Chairperson shall preside, safeguard the impartiality of proceedings, supervise the Secretary on behalf of the Commission and represent the Commission publicly.
4. The Vice-Chairperson shall act where the Chairperson is absent, recused or unable to act.

Article 25 — Meetings

1. The Commission shall meet at least once every two months and whenever necessary to discharge its functions.
2. The Chairperson shall convene a meeting upon the written request of at least three Commissioners.
3. Reasonable notice and an agenda shall be provided, except in a genuine emergency recorded in the minutes.
4. Participation may occur through secure electronic means where identity, confidentiality and deliberation can be protected.

Article 26 — Quorum and voting

1. The quorum is six Commissioners, including:
 - a. at least two Commissioners holding or elected from judicial office; and
 - b. at least two Commissioners who are neither serving judges nor legal practitioners.
2. A decision is made by a majority of Commissioners present and voting unless this Act requires a greater majority.
3. A proposal for judicial appointment and a recommendation for removal or suspension require the affirmative vote of at least six Commissioners.
4. The Chairperson has a deliberative vote but no casting vote.
5. In the event of a tie, the motion fails.
6. A vacancy does not invalidate an otherwise lawful decision, but the Commission shall not continue for more than ninety days with fewer than seven Commissioners.

Article 27 — Disclosure, recusal and ex parte communication

1. A Commissioner shall promptly disclose any personal, professional, financial, familial or political interest that may reasonably be perceived to affect impartiality.
2. A Commissioner shall recuse from a matter involving:
 - a. the Commissioner personally;

- b. a close relative or household member;
 - c. a recent client, employer, business associate or direct professional opponent; or
 - d. any other circumstance creating a reasonable apprehension of bias.
3. A party may request recusal. The Commission, excluding the affected Commissioner, shall decide the request and record reasons.
 4. A person shall not privately communicate with a Commissioner concerning the merits of an individual matter. Any unsolicited material shall be disclosed to affected parties where fairness requires.

Article 28 — Committees and panels

1. The Commission may establish standing or ad hoc committees, including a Recruitment Committee, Complaints Screening Committee, Investigation Committee, Disciplinary Hearing Panel, Finance and Audit Committee, and Terms and Conditions Committee.
2. A committee may include a non-voting expert but may exercise decision-making authority only if this Act expressly permits.
3. No person who conducted or directed an investigation may sit as a voting member of the Disciplinary Hearing Panel in the same matter.
4. A committee shall report to the Commission, which retains responsibility for every function not lawfully delegated.
5. The Commission may not delegate a final proposal for judicial appointment or a final recommendation for removal or suspension.
6. The Commission shall maintain a Judiciary Services and Resources Committee to oversee the Administrative Office, judicial budget, shared services, technology, statistics and institutional planning.
7. Recruitment, disciplinary and administrative records shall be separated by access controls, and a person shall not use administrative authority to influence a recruitment or disciplinary outcome.

Article 29 — Code of conduct and interests register

1. Within ninety days after its first meeting, the Commission shall adopt and publish a code of conduct for Commissioners and staff.
2. The code shall regulate integrity, impartiality, political neutrality, gifts, outside employment, confidentiality, use of information, recusal and post-service conduct.
3. Every Commissioner and designated senior employee shall file an annual declaration of assets, liabilities and material interests with the Auditor General or another independent authority prescribed by law.
4. The Commission shall maintain a public register of declared interests, excluding information whose disclosure would create a serious and demonstrable privacy or security risk.

Article 30 — Openness and confidentiality

1. The Commission shall conduct its work as openly as is compatible with fairness, privacy, security and candid deliberation.

2. Vacancy notices, selection criteria, shortlists, interview schedules, final proposals, regulations, annual reports and non-confidential policies shall be public.
3. Deliberations, draft scoring, protected personal information, privileged material, witness-protection information and active investigation records are confidential unless lawfully released.
4. A restriction on disclosure shall be narrowly applied and recorded with reasons.
5. Confidentiality shall not be used to conceal illegality, improper influence, discrimination or a conflict of interest.
6. Key public notices and explanations shall be made available in such Eritrean languages and accessible formats as are reasonably necessary for effective participation.

CHAPTER 5

SECRETARIAT AND ADMINISTRATIVE OFFICE OF THE JUDICIARY

Article 31 — Secretary to the Commission

1. The Commission shall, through open competition, appoint a Secretary who is the chief executive and accounting officer of the Commission.
2. The Secretary shall have at least ten years' relevant experience in law, public administration, institutional management or finance and shall satisfy the integrity requirements of Article 16.
3. The Secretary serves for five years and may be reappointed once following a documented performance review.
4. The Secretary shall:
 - a. implement decisions of the Commission;
 - b. manage staff, records, finances and procurement;
 - c. maintain secure recruitment and complaints systems;
 - d. prepare agendas, minutes, budgets and reports; and
 - e. perform other lawful duties assigned by the Commission.
5. The Secretary may be removed only for a fair reason and after notice and an opportunity to respond.

Article 32 — Secretariat and staff

1. The Commission shall have an independent Secretariat with such professional, investigative, administrative, information-technology and support staff as are reasonably necessary.
2. Staff shall be recruited competitively on merit and on terms recommended by the Commission in consultation with the Civil Service Administration.
3. Investigative staff shall be operationally separate from staff supporting disciplinary adjudication.
4. A serving member of the defence, security or intelligence services may not be seconded to a position that gives access to confidential candidate or disciplinary information.
5. The Commission may obtain time-limited technical assistance, but an external adviser shall not vote or determine an individual matter.
6. The Secretariat supports the Commission's corporate, appointment and disciplinary work; the Administrative Office established by this Act provides judiciary-wide operational services.

Article 33 — Funds of the Commission

1. The funds of the Commission consist of:
 - a. money appropriated by the National Assembly;
 - b. lawful grants or technical assistance that do not compromise independence;
2. The funds of the Commission also consist of:
 - a. fees lawfully prescribed for non-core administrative services, provided that no fee shall impede submission of a complaint or application for judicial office; and

- b. other funds lawfully received and disclosed.

Article 34 — Budget and financial independence

1. The Commission shall prepare and submit its annual budget directly to the National Assembly, with a copy to the ministry responsible for finance.
2. The executive may comment on, but shall not revise, the submitted estimates before their presentation to the National Assembly.
3. Appropriated funds shall be released regularly and shall not be withheld or reduced to influence an individual or institutional decision.
4. The Commission shall administer its budget subject to public-finance, procurement and audit law.

Article 35 — Accounts and audit

1. The Commission shall keep complete accounts and an asset register.
2. The accounts shall be audited annually by the Auditor General.
3. The audited financial statements and the Commission's response to audit findings shall be submitted to the National Assembly and published, subject to lawful redactions.

Article 36 — Establishment

There is established within the judicial branch an Administrative Office of the Judiciary to implement lawful Commission policy and provide shared services.

Article 37 — Independence and accountability

1. The Administrative Office is accountable to the Commission and not to an executive ministry.
2. It shall perform non-judicial functions professionally, impartially and economically.
3. It shall not exercise judicial power or access protected information beyond authorized necessity.

Article 38 — Director

1. The Administrative Office is headed by a Director-General-General of Judicial Service appointed by the Commission through open competition.
2. The Director-General shall possess at least ten years of senior experience in law, courts, public administration, finance, technology or a relevant combination and demonstrate integrity and political neutrality.

Article 39 — Term and removal of director

1. The Director-General serves six years and may be reappointed once after a documented public performance review.

2. The Director-General may be removed only for incapacity, serious misconduct, gross incompetence or material breach of neutrality after notice, hearing and reasons.

Article 40 — Functions

1. The Administrative Office shall provide:
 - a. budgeting, accounting and financial administration;
 - b. non-judicial human-resources services;
 - c. procurement, assets and facilities management;
 - d. information technology, CAAM and cybersecurity;
2. The Administrative Office shall also provide:
 - a. records, archives and continuity planning;
 - b. language, interpretation and accessibility coordination;
 - c. statistics, research and planning;
 - d. training and professional-support administration; and
 - e. public information and administrative reporting.

Article 41 — Least-privilege access

1. Administrative access to case systems shall be limited by role, necessity and time.
2. Finance, facilities, human-resources and procurement personnel shall not access case merits, sealed material or deliberations merely because they support the judiciary.
3. Access shall be logged and reviewed.

Article 42 — Relationship with Court registrars

1. The Administrative Office provides common services and standards but does not replace court Registrars.
2. A Registrar remains responsible for the official record and daily administration of the relevant court.
3. The Supreme Court Registrar remains under the lawful institutional direction of the Supreme Court.

Article 43 — Professional staff

1. Administrative Office staff shall be recruited competitively on merit and equal opportunity.
2. Staff owe duties of impartiality, confidentiality, accuracy, political neutrality and service to the judiciary as an institution.

Article 44 — Administrative complaints

1. The Office shall maintain an accessible process for complaints about administrative service, delay, staff conduct and access barriers.
2. The process shall not review a judicial decision or interfere with an appeal or disciplinary process.

CHAPTER 6

COURT SERVICES AND PROFESSIONAL SUPPORT

Article 45 — Court registries

1. Each court shall maintain a secure Registry or lawful shared Registry facility.
2. The Registry shall receive, verify, register, safeguard and certify filings and records.
3. Registry staff may provide procedural information but not legal advice on the merits.

Article 46 — Appointment of registrars

1. A lower-court Registrar shall be appointed by the Commission through open competition after consultation with judges of the relevant court.
2. A Registrar shall possess legal or court-administration qualifications prescribed by law and proven integrity and neutrality.

Article 47 — Registrar functions

1. A Registrar shall:
 - a. maintain the docket and official records;
 - b. administer neutral assignment under rules;
 - c. issue notices and certify records;
2. A Registrar shall also:
 - a. support hearings and publication;
 - b. manage authorized staff and local resources; and
 - c. prepare court-level statistics and budget submissions.

Article 48 — Law clerks and researchers

1. Judges may receive professional research assistance through an institutional program.
2. Every assistant shall undergo merit selection, conflict screening, security controls and confidentiality obligations.
3. No assistant may decide a case, vote or substitute for a judge's personal reasoning.

Article 49 — Interpreters and translators

1. The Administrative Office shall maintain standards, rosters and quality controls for interpretation and translation.
2. An interpreter shall be impartial, competent and bound by confidentiality.

Article 50 — Court security

1. Court security shall be administered under protocols approved by the Commission and the judges of the affected court.
2. A security body shall not access protected records, enter deliberative areas or interfere with proceedings except as lawfully authorized.

3. Security arrangements shall protect judges, staff, litigants, witnesses and the public without intimidating court users.

Article 51 — Workplace conduct

1. The judiciary shall maintain a workplace free from corruption, discrimination, harassment, retaliation and abuse.
2. An independent process shall receive and resolve staff complaints with due process and protection against retaliation.

CHAPTER 7

JUDICIAL FINANCE, ASSETS AND REMUNERATION

Article 52 — Judicial budget

1. The Commission shall prepare an annual consolidated budget for the judiciary through a transparent process involving the Supreme Court, each level of lower court and the Administrative Office.
2. The Supreme Court shall determine and submit the requirements arising from its internal organization and operation.
3. If the Commission modifies a court's properly supported request, it shall give written reasons and attach the original request to the submission made under this Act.
4. An unresolved objection by the Supreme Court concerning resources necessary for its constitutional functions shall accompany the consolidated budget for consideration by the National Assembly.
5. The budget shall separately identify judicial remuneration, court operations, legal aid interfaces, capital works, technology, security, language access and Commission operations.

Article 53 — Submission to National Assembly

1. The Commission shall submit the approved budget directly to the National Assembly with a copy to the ministry responsible for finance.
2. The executive may comment but shall not revise the proposal before presentation.
3. A material legislative reduction shall be accompanied by public reasons and shall not target a case or judgment.

Article 54 — Release and administration of funds

1. Funds appropriated for the judiciary shall be released predictably, directly and without conditions inconsistent with judicial independence.
2. The Administrative Office shall administer judiciary-wide and lower-court funds under public-finance law.
3. Supreme Court funds shall be administered in accordance with the Judiciary Establishment Act, the Court's constitutional authority over its internal organization and operation, and lawful shared-service arrangements with the Commission.
4. No transfer or withholding of funds may be used to influence a pending case or judicial decision.

Article 55 — Procurement

1. Judicial procurement shall be competitive, transparent, proportionate and protected from conflicts.
2. An emergency procurement shall state reasons, scope, price and duration and receive prompt review.
3. A vendor shall disclose beneficial ownership and relevant conflicts as law requires.

Article 56 — Accounts and assets

1. The Director-General and Registrars shall maintain complete accounts and asset registers for their responsibilities.
2. Financial controls shall separate authorization, custody, payment and review where practicable.

Article 57 — Audit

1. The Auditor General shall audit judicial financial administration annually.
2. An audit shall not examine judicial deliberations, draft judgments, votes or the merits of cases.
3. Audited statements and responses shall be submitted to the National Assembly and published, subject to narrow security redaction.

Article 58 — Judicial remuneration

1. Judicial remuneration, pension and essential conditions shall be determined by law upon the constitutionally required recommendation.
2. Remuneration shall not depend on individual performance ratings or discretionary benefits capable of influencing judicial work.

CHAPTER 8

TECHNOLOGY, RECORDS, STATISTICS AND PUBLIC INFORMATION

Article 59 — Case Access and Management

1. The judiciary may maintain CAAM as an official platform for filing, service, assignment, scheduling, records, appeals and publication.
2. The Registrar responsible for a record shall be able to certify its authenticity and integrity.
3. Technology failure shall not extinguish a right or invalidate an otherwise authentic and timely filing.

Article 60 — Cybersecurity and data protection

1. The Commission shall adopt standards for identity verification, encryption, access control, incident response, backups, vendor risk, audit logs, retention and secure destruction.
2. A material breach shall be contained, investigated and disclosed as law requires.
3. No private or foreign provider may control judicial records, suspend judicial access or reuse information for an unrelated purpose.

Article 61 — Artificial intelligence

1. Artificial intelligence may assist research, translation, transcription, scheduling, accessibility, citation checking and document management under approved policy.
2. It shall not determine assignment, credibility, guilt, liability, constitutional validity, sentence or outcome.
3. A judge remains personally responsible for every decision and shall verify material produced with technological assistance.
4. Confidential information shall not be submitted to an unapproved system.

Article 62 — Records and archives

1. Registrars shall preserve pleadings, evidence, orders, judgments, recordings and administrative records under an approved schedule.
2. A correction shall preserve the original and an audit trail.
3. Records of enduring significance shall be preserved in secure judicial and national archives without impairing judicial custody.

Article 63 — Publication

1. Judgments and public orders shall be published promptly, free of charge, in searchable and citable form.
2. A public docket shall identify essential case information subject to lawful restriction.
3. The authoritative version and every correction shall be clearly identified.

Article 64 — Statistics

1. The Administrative Office shall publish definitions and statistics concerning filings, dispositions, pending cases, time to judgment, access, language, staffing and expenditure.
2. Statistics shall include contextual limitations and shall not reveal deliberations or direct outcomes.

Article 65 — Annual report

1. Within four months after each financial year, the Commission shall publish a judiciary administration report.
2. The report shall address access, workload, delay, language, staffing, technology, finances, risks and priorities.
3. It shall not defend the merits of judgments or reveal deliberations.

Article 66 — Public and media information

1. The Administrative Office may explain court services, schedules, published decisions and administrative policy.
2. A public-information function shall not comment on the merits of a pending matter or speak for a judge's reasoning beyond the published decision.

CHAPTER 9

JUDICIAL RECRUITMENT, APPOINTMENT AND SERVICE CONDITIONS

Article 67 — Notice of vacancy

1. The competent court administrator shall notify the Commission promptly of an existing or anticipated judicial vacancy.
2. The Commission shall verify that the office is authorized by the Constitution and law and that budgetary provision exists.
3. At least sixty days before the closing date, unless a recorded urgency makes that impracticable, the Commission shall publish:
 - a. the office and number of vacancies;
 - b. constitutional and statutory qualifications;
 - c. selection criteria and their relative weighting;
 - d. application or nomination requirements;
 - e. the closing date and indicative timetable;
 - f. the public-information process; and
 - g. privacy and confidentiality rules.
4. A vacancy shall be advertised throughout Eritrea through reasonably accessible media and, where useful, to qualified Eritreans abroad.

Article 68 — Governing selection principles

1. Judicial selection shall be based primarily on merit, integrity, independence and capacity to administer justice fairly.
2. The Commission shall apply the principles in Schedule 2 and criteria adopted before applications open.
3. Diversity and lived experience may be considered to strengthen equal justice and public confidence, but shall not excuse failure to meet the minimum qualifications of office.
4. Political loyalty, ethnic or religious favoritism, personal patronage and willingness to decide cases in a predetermined manner are prohibited considerations.

Article 69 — Applications, verification and screening

1. Applications and nominations shall be received through a secure, accessible and documented process.
2. A nominated person shall give written consent and provide the required disclosures.
3. The Secretariat shall verify identity, citizenship, education, professional standing, experience, disciplinary history, conflicts and representative work.
4. An integrity check shall be lawful, proportionate and subject to correction by the candidate.
5. A security organ may provide relevant verified information but shall have no power to approve, reject or rank a candidate.
6. Knowingly false material information may disqualify a candidate after notice and an opportunity to respond.

Article 70 — Shortlisting and public information

1. The Commission shall shortlist only candidates who meet the legal qualifications and published criteria.
2. So far as practicable, the shortlist shall contain at least three candidates for each vacancy.
3. The names and professional biographies of shortlisted candidates shall be published for not less than twenty-one days for submission of relevant, documented public information.
4. Anonymous information may trigger verification but shall not by itself support an adverse finding.
5. Abusive, discriminatory, irrelevant or knowingly false submissions shall be disregarded.
6. A candidate shall receive the substance of credible adverse information and a reasonable opportunity to respond before it is relied upon.

Article 71 — Interviews and assessment

1. Interviews for appointment to the Supreme Court shall be public and recorded, except for a narrowly tailored closed portion necessary to protect lawful confidentiality or security.
2. Interviews for lower-court appointment shall ordinarily be public; the Commission may use a recorded professional assessment where the number of candidates makes individual public interviews disproportionate.
3. Questions shall relate to published criteria and shall respect dignity, equality and privacy.
4. Candidates for the same office shall be assessed through substantially comparable questions and exercises.
5. The Commission may use legal writing, judgment-writing, case-management, language or other job-related assessments validated for fairness.
6. No candidate may be required to promise a result in a future case or disclose a protected judicial deliberation.

Article 72 — Deliberation and proposal

1. The Commission shall deliberate in private on the full record, including verified public information and the candidate's response.
2. Each Commissioner shall apply the published criteria and record an assessment in the prescribed form.
3. For each vacancy the Commission shall propose one person and may identify a reserve candidate who may be used only if the proposed person is not approved, declines or becomes legally ineligible.
4. A proposal requires the majority specified in Article 26(3).
5. The Commission shall publish a reasoned statement explaining how the proposed candidate satisfies the criteria, without disclosing protected information or comparative material that would unfairly harm another candidate.
6. The Commission shall preserve the complete record for judicial review and institutional audit.

Article 73 — Appointment of Supreme Court Justices other than the Chief Justice

1. The Commission shall transmit its proposal for appointment as a Justice of the Supreme Court to the National Assembly and the President.
2. The National Assembly shall consider the proposal through a fair and public process and shall approve or reject it within thirty days.
3. A rejection shall state written reasons relevant to the constitutional and published qualifications and shall not substitute another candidate.
4. Following approval by the National Assembly, the President shall appoint the person proposed within fourteen days in accordance with Article 42(8) of the Constitution.
5. If the proposal is lawfully rejected or the proposed person becomes unavailable, the Commission shall determine whether to propose the reserve candidate or reopen the process.
6. This Article does not apply to the Chief Justice.

Article 74 — Appointment of lower-Court judges

1. The Commission shall transmit its proposal for appointment as a judge of a lower court to the President.
2. The President shall appoint the person proposed within fourteen days in accordance with Article 42(9) of the Constitution.
3. No person who has not been proposed by the Commission may be appointed.
4. A failure or refusal to perform the constitutional appointment function is subject to an appropriate judicial remedy.

Article 75 — Acting and temporary judicial office

1. An acting or temporary appointment shall not be used to evade the recruitment, approval, tenure or removal requirements of the Constitution.
2. A person exercising the full judicial power of an authorized office for more than sixty days shall have been selected through a procedure prescribed by law that protects merit and independence.
3. An acting appointment shall be for a specified, objectively justified period and shall not create an expectation of permanent appointment.
4. Repeated acting appointments designed to influence a judge's decisions or avoid a permanent appointment are prohibited.

Article 76 — Promotion and transfer

1. Promotion to a distinct judicial office requiring presidential appointment shall follow Articles 32–39.
2. An administrative transfer that does not constitute appointment to a different judicial office shall be governed by the law on court administration.
3. No transfer may be imposed as disguised discipline or retaliation, or used to influence the outcome of a case.

4. A judge affected by an involuntary transfer shall receive reasons and access to an independent review provided by law.

Article 77 — Terms and conditions of judicial service

1. The Commission shall periodically review remuneration, pensions, leave, security, facilities, workload, health and welfare, professional development and other conditions necessary for independent and effective judicial service.
2. Before making a recommendation, the Commission shall consult judges, court administration, the Civil Service Administration, the ministry responsible for finance and other relevant bodies.
3. Recommendations shall be evidence-based, fiscally responsible and published with reasons.
4. The Commission shall transmit recommendations to the President, the National Assembly and any authority competent to implement them.
5. Terms and conditions shall not be manipulated to reward, punish or influence a judge in relation to judicial work.

CHAPTER 10

COMPLAINTS, DISCIPLINE, INCAPACITY, SUSPENSION AND REMOVAL

Article 78 — Submission and registration of complaints

1. Any person may submit a complaint in the prescribed accessible form without fee.
2. The Commission may act on credible information on its own motion, but shall record the source and basis for doing so.
3. A complaint shall identify, so far as reasonably possible, the judge, conduct, date and supporting information.
4. The Secretariat shall acknowledge, register and securely preserve every complaint.
5. A complainant shall be informed of material progress and outcome, subject to fairness and confidentiality.
6. Retaliation against a complainant, witness, judge or staff member for lawful participation in a proceeding is prohibited.

Article 79 — Preliminary screening

1. A Complaints Screening Committee shall determine whether a complaint:
 - a. is within the Commission's jurisdiction;
 - b. alleges facts that, if proved, could amount to incapacity, violation of law or breach of the Code;
 - c. concerns the merits of a judicial decision and should be pursued by judicial remedy;
 - d. is frivolous, abusive, duplicative or manifestly unsupported; or
 - e. can appropriately be resolved by advice, administrative correction or another lawful mechanism.
2. A complaint shall not be dismissed merely because it is informal or submitted by a person without legal representation.
3. A screening dismissal shall be reasoned and notified to the complainant.
4. A complainant may request reconsideration by a different committee within thirty days.

Article 80 — Investigation

1. Where a complaint discloses a prima facie case, the Commission shall give the judge written notice of the allegations and commence a proportionate investigation.
2. The judge is entitled to:
 - a. sufficient particulars;
 - b. a reasonable opportunity to respond;
 - c. legal representation at the judge's own expense, subject to any lawful public assistance;
 - d. access to material evidence, subject to necessary witness protection; and
 - e. freedom from public prejudgment.
3. The Investigation Committee may interview witnesses, obtain documents and commission expert evidence under Article 9.
4. Exculpatory as well as inculpatory evidence shall be investigated and disclosed.

5. The investigation shall be completed without unreasonable delay. The Commission shall review any investigation continuing beyond ninety days and record reasons for extension.
6. At the conclusion of the investigation, the Committee shall recommend dismissal, informal resolution, a disciplinary charge, an incapacity process, or consideration of removal.

Article 81 — Disciplinary hearing

1. A contested disciplinary charge shall be heard by a Disciplinary Hearing Panel that did not investigate the matter.
2. The hearing shall be fair, impartial and completed within a reasonable time.
3. The presenting officer bears the burden of proving misconduct by clear and convincing evidence.
4. The judge may be represented, present evidence, call and question witnesses, challenge evidence and make submissions.
5. Hearings shall ordinarily be public where removal is sought, but all or part may be closed to protect compelling privacy, security, children, vulnerable witnesses, privileged information or the administration of justice.
6. The Panel shall issue findings and reasons to the Commission and the judge.
7. The Commission shall make the final disciplinary decision after permitting written submissions on the Panel's findings.

Article 82 — Disciplinary outcomes short of removal

1. Where a breach of the Code or violation of law is proved but removal is not warranted, the Commission may impose:
 - a. advice or counselling;
 - b. a private caution;
 - c. a public reprimand;
 - d. an order for education, mentoring or corrective action; or
 - e. another proportionate measure authorized by law that does not impair security of tenure.
2. In selecting an outcome, the Commission shall consider seriousness, intent, harm, pattern, acknowledgment, corrective action, prior discipline and the need to protect judicial independence and public confidence.
3. The Commission shall not reduce a judge's remuneration, alter tenure or remove the judge except in accordance with the Constitution and law.
4. A reasoned disciplinary decision shall be provided to the judge and published in an appropriately redacted form where public confidence requires.

Article 83 — Recommendation for removal

1. The Commission may recommend removal only where it finds, after the procedure in Articles 45 and 46, that the judge:
 - a. has a physical or mental incapacity that prevents the performance of judicial office and cannot reasonably be accommodated;
 - b. has committed a serious violation of law incompatible with judicial office; or

- c. has committed a serious or persistent breach of the Code incompatible with continued judicial office.
- 2. A recommendation for removal requires the vote specified in Article 26(3) and a reasoned decision identifying the constitutional ground and material findings.
- 3. The Commission shall transmit the complete recommendation to the President and provide it to the judge, subject to lawful protection of third parties.
- 4. Under Article 52(1) of the Constitution, only the President, acting on the Commission's recommendation, may remove the judge before expiry of tenure.
- 5. The President shall act on the recommendation within thirty days and publish the decision and reasons, subject to lawful redaction.
- 6. No authority may remove a judge on a ground or factual finding not considered by the Commission.

Article 84 — Recommendation for suspension

- 1. The Commission may recommend suspension under Article 52(3) of the Constitution only where:
 - a. a formal investigation or charge concerning possible removal is pending;
 - b. continued exercise of office presents a substantial risk to evidence, witnesses, court integrity or public confidence; and
 - c. a less restrictive measure is inadequate.
- 2. Before recommending suspension, the Commission shall give the judge notice and an opportunity to respond, unless an immediate temporary recommendation is strictly necessary to prevent serious harm.
- 3. Suspension is precautionary and not a finding of misconduct.
- 4. A suspended judge shall retain remuneration and benefits unless the Constitution or another law expressly provides otherwise.
- 5. The Commission shall review the need for suspension at least every sixty days and shall recommend termination when the justification no longer exists.
- 6. The President may suspend only on the recommendation of the Commission and shall publish notice of the decision.

Article 85 — Incapacity proceedings

- 1. Incapacity shall be addressed with dignity, confidentiality, medical privacy and reasonable accommodation.
- 2. The Commission shall obtain independent expert evidence and permit the judge to submit contrary evidence.
- 3. Temporary illness or disability shall not justify removal where leave, accommodation, treatment or reassignment consistent with judicial office can reasonably enable performance.
- 4. A recommendation for removal on incapacity grounds shall explain why reasonable accommodation is insufficient.

Article 86 — Protection of judicial decision-making

1. In determining whether conduct is within its jurisdiction, the Commission shall distinguish between:
 - a. a good-faith judicial decision or legal error, which is for appeal or review; and
 - b. corruption, improper communication, deliberate denial of fair hearing, bad-faith abuse of office, persistent refusal to perform judicial duty or other conduct capable of constituting misconduct.
2. A complaint concerning delay may be investigated where the delay is persistent, unjustified and attributable to the judge, but workload, resources, illness and administrative conditions shall be considered.
3. Judicial reasoning may be examined only to the limited extent necessary to determine an allegation of bad faith or misconduct and not to substitute the Commission's view of the law.

Article 87 — Review and procedural irregularity

1. A person directly affected by a final administrative or disciplinary decision of the Commission may seek judicial review in a competent court.
2. Review shall be heard without unreasonable delay and, where necessary, by judges having no conflict of interest.
3. A minor procedural irregularity does not invalidate a decision unless it caused material unfairness or affected the result.
4. The Commission shall comply promptly with a final court order.

CHAPTER 11

ACCOUNTABILITY, TRANSITIONAL AND FINAL PROVISIONS

Article 88 — Annual report

1. Within four months after each financial year, the Commission shall submit an annual report to the National Assembly and the President and publish it.
2. The report shall include:
 - a. vacancies, applications, shortlists, proposals and appointments, disaggregated where lawful and useful;
 - b. complaint volumes, categories, processing times and outcomes;
 - c. pending matters and reasons for significant delay;
 - d. recommendations on terms and conditions of service;
 - e. measures taken to advance equality, diversity and access;
 - f. audited financial statements;
 - g. instances of attempted improper interference and the Commission's response; and
 - h. legislative or administrative reforms recommended.
3. The report shall not identify a complainant, witness, unsuccessful candidate or judge in a dismissed confidential matter unless disclosure is lawful, necessary and fair.
4. The Commission shall appear before the responsible committee of the National Assembly to answer questions concerning administration, expenditure and policy, but shall not disclose protected deliberations or be directed in an individual matter.

Article 89 — Records, data protection and access to information

1. The Commission shall maintain authentic, secure and accessible records under an approved retention schedule.
2. Personal information shall be collected only for a lawful purpose, kept accurate, protected against unauthorized access and retained no longer than necessary or required by law.
3. A candidate or judge has a right to access and correct personal information, subject to lawful limits necessary to protect another person or an investigation.
4. Public access to Commission records is governed by this Act and the law on access to information.
5. The Commission shall publish anonymized data in formats reasonably accessible to persons with disabilities and to speakers of Eritrean languages.

Article 90 — Public education and institutional consultation

1. The Commission may provide accurate public information about judicial recruitment, ethics, complaints and judicial independence.
2. Public education shall not comment on the merits of pending cases or promote a political party or candidate.
3. The Commission shall consult courts, the legal profession, civil society and affected communities when adopting major regulations or selection policies.

Article 91 — Service of notices and electronic systems

1. A notice or filing may be served personally, by registered post, through a secure electronic system or by another verifiable method prescribed by regulation.
2. The Commission shall provide a non-digital alternative so that lack of technology does not bar an applicant, complainant or witness.
3. Electronic records and signatures are valid where authenticity and integrity are reliably established.

Article 92 — Regulations

1. The Commission may, after public consultation, make regulations necessary to implement this Act.
2. Regulations may provide for:
 - a. elections and selection of Commissioners;
 - b. meetings and committees;
 - c. recruitment, interviews, assessment and appointment proposals;
 - d. complaints, investigations, hearings and witness protection;
 - e. records, data protection and access to information;
 - f. staff administration, procurement and finance;
 - g. forms, time limits and electronic procedures; and
 - h. any matter required or permitted to be prescribed.
3. Regulations shall be published in the Gazette of Eritrean Laws and on an accessible public platform before taking effect.
4. A regulation shall not alter a constitutional appointment route, create a new ground for removing a judge or authorize interference with judicial decision-making.

Article 93 — Protection for good-faith acts

1. No civil or criminal proceeding lies against a Commissioner, employee, complainant or witness for a lawful act or statement made honestly and without malice in the performance of a function under this Act.
2. Sub-Article (1) does not protect corruption, knowing falsehood, malicious disclosure, discrimination, abuse of power or another unlawful act.
3. The Commission remains liable in accordance with law for harm caused by an unlawful institutional act.

Article 94 — Offences

1. A person commits an offence who intentionally:
 - a. threatens, bribes, coerces or improperly influences a Commissioner or employee;
 - b. retaliates against a person for lawful participation in a Commission process;
 - c. destroys, falsifies or conceals a material Commission record;
 - d. knowingly provides material false evidence under oath;
 - e. unlawfully discloses protected candidate, complaint or disciplinary information; or

- f. falsely represents that the person acts with the authority of the Commission.
2. Without prejudice to a greater penalty applicable under another law, a person convicted under this Article is liable to a fine not exceeding [_____] Nakfa], imprisonment for a term not exceeding two years, or both.
3. No prosecution under this Article shall be used to punish good-faith criticism, journalism, public-interest disclosure or a complaint that is not ultimately substantiated.

Article 95 — Continuity of lawful courts and records

1. Existing lawful judgments and records continue unless altered through a lawful process.
2. Pending matters shall transfer only where jurisdiction and a fair record can be preserved.
3. Institutional reform shall not authorize disappearance, destruction or political rewriting of judicial records.

Article 96 — Initial administrative office

1. The interim Commission shall appoint an acting Director-General through a documented competitive process.
2. Essential finance, records, access and cybersecurity functions shall receive priority.

Article 97 — Transfer from the former judiciary administration Commission

1. On commencement, every lawful function, asset, liability, record, contract, employee and pending administrative matter of the former Judiciary Administration Commission is transferred to the Commission.
2. The former Judiciary Administration Commission ceases to exist as a separate statutory institution.
3. A reference in an existing law, instrument or record to the former Judiciary Administration Commission shall, so far as the context permits, be read as a reference to the Commission.
4. A transfer under this Article does not authorize the Commission to assume an adjudicative function or to interfere with the constitutional authority of the Supreme Court over its internal organization and operation.

Article 98 — Three-year review

1. Within three years, an independent review shall assess access, delay, costs, caseload, integrity, language services, technology and administrative independence.
2. The review shall consider whether a separate intermediate Court of Appeal is justified.
3. The report and proposed amendments shall be published for consultation.

Article 99 — Regulations and rules

1. The Commission may adopt administrative regulations consistent with this Act after consultation.
2. Courts may adopt or propose procedural rules as law provides.

3. An administrative regulation shall not amend jurisdiction, tenure, appointment or another matter reserved to legislation.

Article 100 — Institutional coordination

1. The Commission, the Supreme Court, heads of lower courts and responsible public institutions shall maintain written coordination protocols consistent with their respective constitutional and statutory functions.
2. A protocol shall identify information flows, service standards, budget responsibilities, security controls and procedures for resolving administrative disagreement.
3. A protocol shall not create a power absent from the Constitution or an Act, permit access to judicial deliberations or authorize interference with a pending case.

Article 101 — Transitional arrangements

Article 102 — Entry into force

This Act enters into force on the date of its publication in the Gazette of Eritrean Laws, subject to the phased implementation in Schedule 3.

SCHEDULE 1
— OATH OR AFFIRMATION OF COMMISSIONERS

I, _____, swear or solemnly affirm that I will faithfully perform the functions of a member of the Judicial Service Commission; uphold and defend the Constitution of Eritrea; protect the independence of the judiciary; act without fear, favour, affection, ill will or improper influence; disclose and avoid conflicts of interest; preserve lawful confidentiality; and serve the people of Eritrea with integrity, fairness and diligence.

SCHEDULE 2

— PRINCIPLES AND CRITERIA FOR JUDICIAL SELECTION

In applying the judicial-selection provisions of this Act, the Commission shall consider legal knowledge and professional competence; constitutional understanding; analytical ability and clear writing; integrity and independence; impartiality and temperament; relevant professional experience; ability to conduct a fair hearing; diligence and responsible use of technology; communication and language competence; understanding of barriers to justice; contribution to a diverse judiciary; and every additional job-related criterion published before applications open.

SCHEDULE 3

— FIRST COMMISSION AND PHASED IMPLEMENTATION

Deadline from commencement	Minimum deliverable
1. First one hundred days	The responsible bodies shall constitute the Commission; preserve judicial, candidate, disciplinary, financial and court records; appoint an acting Secretary and acting Director-General through transparent interim processes; map existing courts, personnel, facilities, technology, languages and access barriers; and publish an implementation plan.
2. First year	The Commission shall complete regular membership processes; establish the Administrative Office; appoint essential professional staff and Registrars; adopt recruitment, discipline, recusal, confidentiality, procurement, records, accessibility and cybersecurity policies; establish physical and assisted filing; pilot secure CAAM services; and submit the first consolidated judicial budget and annual report.
3. First three years	The Commission shall complete the planned rollout of court services; connect certified appellate records and constitutional referrals; expand interpretation and regional access; test disaster recovery and archive integrity annually; and complete an independent review of implementation.
4. Transitional restraint	No transitional authority, civic organization, political party or body outside the constitutional State may claim to make a judicial appointment, suspension or removal. Preparatory research and model systems bind the Commission only if lawfully reviewed and adopted.

SCHEDULE 4 — RESPONSIBILITY BOUNDARIES

The Supreme Court and its Registrar control the Court’s internal judicial organization and adjudicative operations. The Commission may supply shared services but may not alter that constitutional authority.

Each lower court and its Registrar manage daily judicial business under the Judiciary Establishment Act. The Commission supplies policy, resources and shared services but may not direct outcomes.

The Commission controls judicial recruitment and constitutional investigations in accordance with the Constitution and this Act.

The Administrative Office provides professional shared services under least-privilege access and may not exercise adjudicative authority.

The National Assembly legislates and appropriates but shall not inquire into confidential deliberations or direct a pending case.

The executive releases appropriated funds and provides lawful support but shall not control court operations, records, case assignment or judicial decisions.

Adopted by the National Assembly of Eritrea at Asmara this ____ day of _____, 2026.

THE NATIONAL ASSEMBLY OF ERITREA