

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

Institutional risk	Legislative safeguard
Court hierarchy becomes fragmented or inaccessible	One enactment defines the complete hierarchy, jurisdictional relationships, court stations, circuits, transfer rules and routes of review.
Administrative bodies influence cases	Only courts exercise judicial power; neutral assignment, protected registries, decisional independence and express prohibitions on outside
Supreme Court autonomy is diluted	The Court retains constitutional authority over its internal organization and operation, determines its resource needs and controls its adjudicative records and business.
Lower courts are under-resourced or geographically remote	Evidence-based stations and circuits, phased rollout, accessibility, language services, assisted filing and coordinated judicial budgeting.
Judicial appointments bypass constitutional routes	The Act separately states the appointment route for the Chief Justice, other Supreme Court Justices and lower-court judges.
Technology compromises fairness or privacy	Secure CAAM standards, physical alternatives, auditability, data minimization, cybersecurity, continuity plans and prohibition on delegating judicial judgment to AI.
Transition creates legal uncertainty	Continuity of lawful proceedings, preservation of records and judgments, phased establishment, interim rules and coordinated implementation.

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.

Articles 48 and 49 of the Constitution establish the Supreme Court and vest judicial power in it and in lower courts established by law. This draft restates the controlling constitutional rules, organizes the Supreme Court and establishes the High Court, Regional Courts and Community Courts in one coherent enactment.

The Act separates adjudication from institutional service. Courts, judges and Registrars control judicial business under the Constitution, this Act and Court Rules. The Judicial

Service Commission and its Administrative Office provide recruitment, finance, technology, facilities, statistics and other professional support under the companion Judicial Service Commission Act.

The constitutional routes for judicial appointment remain distinct. The President appoints the Chief Justice with National Assembly approval; other Supreme Court Justices are appointed by the President upon proposal of the Judicial Service Commission and approval of the National Assembly; and judges of lower courts are appointed by the President upon proposal of the Commission.

DRAFT ACT

ACT NO. ____/2026

JUDICIARY ESTABLISHMENT ACT, 2026

AN ACT TO ORGANIZE THE SUPREME COURT, ESTABLISH THE LOWER COURTS, AND PROVIDE FOR THE STRUCTURE, JURISDICTION AND FUNCTIONS OF THE JUDICIARY OF ERITREA

PREAMBLE

WHEREAS, Article 48 of the Constitution vests judicial power in the Supreme Court and lower courts established by law and requires that power to be exercised independently in the name of the people;

WHEREAS, Article 49 establishes the Supreme Court as the court of last resort, confers its exclusive constitutional and presidential-impeachment jurisdiction, preserves its authority over its internal organization and operation, and requires its number and tenure to be determined by law;

WHEREAS, Article 50 requires the jurisdiction, organization and functions of lower courts and the tenure of their judges to be determined by law;

WHEREAS, one coherent judiciary requires clear jurisdiction, accessible court stations, neutral case assignment, professional registries, reasoned judgments and effective coordination with the Judicial Service Commission;

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 Judiciary Establishment Act, 2026.

Article 2 — Definitions

1. In this Act, unless the context otherwise requires—
 - a. “Administrative Office” means the Administrative Office of the Judiciary established under the Judicial Service Commission Act;
 - b. “Chief Justice” means the Chief Justice of the Supreme Court appointed under Article 42(7) of the Constitution;
 - c. “Commission” means the Judicial Service Commission established under Article 53 of the Constitution;
 - d. “Community Court” means a court established under Chapter 11;
 - e. “constitutional matter” means a question concerning the interpretation, protection or enforcement of the Constitution or the constitutionality of a law or governmental action;
 - f. “Court Rules” means rules lawfully made for the court concerned;
 - g. “High Court” means the High Court established under Chapter 9;
 - h. “judge” includes the Chief Justice, a Justice of the Supreme Court and a judge of a lower court;
2. In this Act, unless the context otherwise requires—
 - a. “judgment” includes a final decision, order and reasons of a court;
 - b. “lower court” means the High Court, a Regional Court or a Community Court;
 - c. “Regional Court” means a court established under Chapter 10;
 - d. “Registrar” means the Registrar lawfully responsible for a specified court or level of court;
 - e. “Reserve Justice” means a person constitutionally appointed and designated temporarily to sit in the Supreme Court under this Act;
 - f. “State organ” includes every executive, legislative, judicial, administrative, security, regulatory, regional or other public authority; and
 - g. “Supreme Court” means the Supreme Court established by Articles 48 and 49 of the Constitution and organized under this Act.

Article 3 — Objects

1. The objects of this Act are to—
 - a. give statutory effect to Articles 42 and 48–53 of the Constitution;
 - b. organize the Supreme Court and establish an accessible and coherent system of lower courts;
 - c. determine the number and tenure of Supreme Court Justices and the jurisdiction, organization and functions of lower courts;
2. The objects of this Act are also to—

- a. provide for constitutional, appellate, civil, criminal and supervisory jurisdiction;
- b. protect institutional and individual judicial independence;
- c. secure fair, timely, public, language-accessible and technologically resilient justice; and
- d. coordinate court operations with the independent services provided under the Judicial Service Commission Act.

Article 4 — Constitutional interpretation of the Act

1. This Act shall be interpreted consistently with the text, structure, purposes and democratic principles of the Constitution.
2. Nothing in this Act authorizes any person to direct or control the Court or a Justice in the exercise of judicial power.
3. Nothing in this Act authorizes the Court to exercise jurisdiction not conferred by the Constitution or legislation.
4. The Court's power to determine its internal organization and operation under Article 49(3) of the Constitution shall be respected in applying this Act.
5. A procedural rule or administrative practice inconsistent with the Constitution or this Act is invalid to the extent of the inconsistency.

CHAPTER 2

CONSTITUTIONAL PRINCIPLES OF THE JUDICIARY

Article 5 — Judicial independence

1. Every court and judge is independent and subject only to the Constitution, law, a lawful judicial code of conduct and conscience.
2. No person or authority may interfere with case assignment, hearing, evidence, deliberation, judgment, remedy or enforcement.
3. Administrative, financial, security or technological power shall not be withheld, manipulated or threatened to influence judicial work.

Article 6 — Independence within the judiciary

1. A chief judge, senior judge, Commission member, Registrar or administrator shall not direct another judge's vote, reasoning or outcome.
2. Administrative leadership does not create hierarchical authority over adjudication.
3. A judge shall not suffer retaliation in assignment, transfer, staff, leave, facilities, security, education or resources because of a lawful decision.

Article 7 — Open Justice

1. Hearings, filings, dockets and judgments shall ordinarily be public.
2. Access may be restricted only by law, for a legitimate purpose, to the least extent necessary and by a reasoned decision subject to review.
3. Public access shall not expose children, vulnerable persons, lawful privilege, personal safety or another interest requiring protection in a democratic society.

Article 8 — Equality and non-discrimination

1. Every court shall administer justice without discrimination.
2. Court services, recruitment and administrative decisions shall provide equal opportunity and reasonable accommodation.

Article 9 — Languages

1. A party may use an Eritrean language and is entitled to interpretation necessary for meaningful participation.
2. A court shall identify authoritative and informational translations.
3. No person shall suffer procedural disadvantage because of language.

Article 10 — Access to Justice

1. Lack of internet access, disability, poverty, remote residence or language shall not prevent filing, notice or meaningful participation.

2. Courts shall provide physical, assisted, regional, mobile or other reliable access channels as resources and justice require.

Article 11 — Reasoned and timely decisions

1. Every final judicial decision shall be reasoned, dated and authenticated.
2. Judgment shall be delivered without unreasonable delay.
3. Delay shall be addressed through lawful administration and resources, not pressure concerning the result.

Article 12 — Non-displacement of lawful remedies

1. Administrative review, mediation or customary resolution shall not exclude access to an independent court where law provides a judicial remedy.
2. Consent-based settlement shall be voluntary and shall not validate an unlawful or unconstitutional outcome.

Article 13 — Duty of State organs

1. Every State organ shall provide the lawful assistance necessary for courts to function effectively and independently.
2. Assistance shall not confer access to protected records, deliberations or operational control.

Article 14 — Evidence-based administration

1. Administrative policy shall use reliable data, public reasons and proportionate measures.
2. Statistics shall not be used to direct case outcomes or impose individual quotas inconsistent with fairness.

CHAPTER 3

STRUCTURE OF THE JUDICIARY

Article 15 — Courts constituting the judiciary

1. Judicial power is vested in—
 - a. the Supreme Court;
 - b. the High Court;
 - c. Regional Courts; and
 - d. Community Courts.
2. The Supreme Court is established by the Constitution. The lower courts are established by this Act under Articles 48 and 50 of the Constitution.
3. Every court is a court of record except to the limited extent expressly provided for a Community Court.
4. No executive, administrative, military or security body may be constituted as a court or exercise the judicial power vested by the Constitution in the judiciary.

Article 16 — Relationship with Supreme Court

1. The Supreme Court is the court of last resort and exercises jurisdiction conferred by the Constitution and law.
2. Appeals and constitutional references from lower courts shall proceed as provided by law and Supreme Court Rules.
3. No administrative body created by this Act may review a Supreme Court judgment or direct its internal operation.

Article 17 — Court stations and circuits

1. The Commission may recommend court stations and circuits after public consultation and an access assessment.
2. A recommendation shall consider population, geography, caseload, transport, language, disability access, security, cost and existing facilities.
3. Establishment or permanent closure of a court shall be by law; temporary sittings may be authorized by published administrative decision.

Article 18 — Virtual and hybrid sittings

1. A court may sit through secure virtual or hybrid means where fairness, access, security and the integrity of the record are protected.
2. No party shall be compelled into a format that materially impairs the right to be heard.

CHAPTER 4

THE SUPREME COURT: STATUS AND JURISDICTION

Article 19 — Constitutional establishment and statutory organization

1. The Supreme Court established by Articles 48 and 49 of the Constitution is continued and organized in accordance with the Constitution and this Act.
2. The Court is a superior court of record with perpetual institutional succession and juridical personality for purposes of its administration.
3. Judicial power shall be exercised in the name of the people of Eritrea.
4. A change in the membership of the Court does not affect its institutional identity, records, precedents, pending proceedings or obligations.

Article 20 — Court of last resort

1. The Court is the final judicial authority of Eritrea and the court of last resort.
2. Its judgments bind every person, court and State organ, subject only to a lawful correction, clarification or reconsideration by the Court under this Act.
3. No appeal lies from a judgment of the Court.

Article 21 — Seat, sittings and seal

1. The principal seat of the Court shall be in Asmara.
2. The Court may sit elsewhere in Eritrea or through a secure virtual or hybrid courtroom where justice, accessibility, security or efficiency so requires.
3. A virtual sitting lawfully convened is a sitting of the Court and is not invalid merely because participants are in different places.
4. The Court shall have an official seal, the form and custody of which shall be determined by the Court Rules.

Article 22 — Independence

1. The Court and every Justice are independent and subject only to the Constitution, the law, the judicial code of conduct and conscience.
2. No person or authority may interfere with case assignment, hearing, deliberation, judgment, remedy or enforcement.
3. All State organs shall accord the Court the assistance required by Article 48(4) of the Constitution.
4. Administrative, financial, security or technological support shall not be withheld or manipulated to influence judicial work.
5. A person who receives an improper communication concerning a pending matter shall record and disclose it in accordance with the Court Rules.

Article 23 — Exclusive constitutional jurisdiction

1. In accordance with Article 49(2)(1) of the Constitution, the Court has sole jurisdiction to:

- a. interpret the Constitution authoritatively;
 - b. determine whether a law enacted by the National Assembly or another legislative authority is constitutional;
 - c. determine whether governmental action is constitutional; and
 - d. determine a substantial constitutional question referred by a lower court under Article 58.
2. A lower court may apply clear constitutional provisions and protect fundamental rights within its lawful jurisdiction, but shall refer a substantial disputed question requiring authoritative constitutional interpretation to the Supreme Court.
3. The Court shall not determine a constitutional question unnecessary to resolve a proceeding where the matter can fairly be decided on another legal ground.

Article 24 — Appellate jurisdiction

1. The Court has power to hear and adjudicate appeals from lower courts in accordance with the Constitution, this Act and the Court Rules.
2. An appeal lies as of right only where legislation expressly so provides.
3. In any other matter, leave to appeal may be granted where:
 - a. the case raises a substantial constitutional question;
 - b. the case raises a question of law of general public importance;
 - c. the interests of justice require final appellate review; or
 - d. another law authorizes the appeal.
4. The Court shall not retry facts on appeal unless legislation expressly permits it and justice cannot otherwise be done.

Article 25 — Presidential-impeachment jurisdiction

1. The Court has sole jurisdiction to hear and adjudicate a charge against a President impeached by the National Assembly under Article 55(6)(a) or (b) of the Constitution.
2. Proceedings under sub-Article (1) shall be governed by Chapter 8 and special rules adopted consistently with it.
3. The Court shall not hear an impeachment matter based solely on physical or mental incapacity under Article 55(6)(c), unless another constitutional provision confers jurisdiction.

Article 26 — Jurisdiction incidental to constitutional powers

1. The Court may determine a jurisdictional question concerning its own authority.
2. In a matter properly before it, the Court may make procedural and remedial orders reasonably necessary to exercise its jurisdiction effectively.
3. Incidental power shall not be used to create advisory jurisdiction, original criminal jurisdiction or another substantive jurisdiction not conferred by law.

Article 27 — No general advisory jurisdiction

1. The Court shall decide actual proceedings brought by parties with standing and shall not issue an advisory opinion unless the Constitution is amended or another constitutional provision clearly authorizes it.
2. The Court may publish procedural guidance, practice directions and educational material that do not express a view on the merits of a pending or anticipated dispute.

Article 28 — Relationship with fundamental-rights jurisdiction

1. A person claiming violation of a fundamental right under Article 28 of the Constitution may seek relief in a competent lower court where legislation confers jurisdiction.
2. A lower court hearing such a claim shall make necessary factual findings and may grant non-constitutional relief within its jurisdiction.
3. A substantial question of constitutional interpretation shall be referred to the Supreme Court under Article 58, after which the lower court shall complete the matter consistently with the Supreme Court's determination.
4. Direct access to the Supreme Court may be granted exceptionally under Article 59.

Article 29 — Inherent procedural authority

Subject to the Constitution and legislation, the Court has authority to protect its proceedings, prevent abuse, preserve the integrity of its records, regulate persons appearing before it and ensure compliance with its lawful orders.

CHAPTER 5

THE SUPREME COURT: COMPOSITION, APPOINTMENT AND TENURE

Article 30 — Composition of the Court

1. The Court shall consist of five permanent Justices:
 - a. the Chief Justice; and
 - b. four other Justices of the Supreme Court.
2. The number of permanent Justices may be altered only by legislation consistent with Article 49(4) of the Constitution.
3. An alteration shall not terminate or reduce the tenure of a serving Justice or affect the composition of a panel in a pending matter.
4. The temporary designation of a Reserve Justice does not alter the number of permanent Justices.

Article 31 — Appointment of the Chief Justice

1. In accordance with Article 42(7) of the Constitution, the President shall select and appoint the Chief Justice with the approval of the National Assembly.
2. Before seeking approval, the President shall publish:
 - a. the name and professional biography of the proposed appointee;
 - b. evidence that the person satisfies Article 33; and
 - c. a statement explaining the selection.
3. The National Assembly shall conduct a fair and public approval hearing, provide a reasonable period for documented public information, and approve or reject the proposal by recorded vote.
4. The Judicial Service Commission has no authority to select or propose the Chief Justice, but may provide generally applicable qualification or integrity information if lawfully requested.

Article 32 — Appointment of other Justices

1. In accordance with Article 42(8) of the Constitution, every Justice other than the Chief Justice shall be appointed by the President:
 - a. upon proposal of the Judicial Service Commission; and
 - b. following approval by the National Assembly.
2. The Judicial Service Commission shall conduct an open, competitive, merit-based process governed by law.
3. The National Assembly shall consider the proposed person through a fair and public approval process and may approve or reject, but may not substitute another candidate.
4. Following approval, the President shall complete the appointment within fourteen days.
5. A failure to complete a constitutionally required appointment is subject to an appropriate judicial remedy.

Article 33 — Qualifications

1. To qualify for appointment as a permanent or Reserve Justice, a person shall:
 - a. be an Eritrean citizen;
 - b. possess a recognized qualification in law;
 - c. have at least fifteen years of cumulative experience as:
 - i. a judge of a superior court;
 - ii. a legal practitioner in good standing;
 - iii. a teacher or scholar of law at a recognized institution;
 - iv. a senior public lawyer; or
 - v. a combination of those roles;
2. In addition to satisfying paragraph 1, the person shall:
 - a. demonstrate exceptional legal ability, constitutional understanding, independence, integrity, impartiality and sound judgment;
 - b. be capable of performing the functions of office with or without reasonable accommodation;
 - c. not be disqualified under Article 34; and
 - d. have sufficient time remaining before retirement to provide meaningful judicial service, unless appointed as a Reserve Justice.

Article 34 — Disqualifications and incompatibilities

1. A person is not eligible for appointment, or shall not continue in active service, while the person:
 - a. is a member of the National Assembly, Minister, political-party officer or employee, or candidate for elective political office;
 - b. serves in the defence, police, security or intelligence services;
 - c. holds another office or employment incompatible with judicial independence;
 - d. engages in legal practice, commercial management or paid advocacy;
2. A person is also not eligible for appointment, or shall not continue in active service, while the person:
 - a. has an unmanaged interest creating a reasonable apprehension of partiality;
 - b. has been convicted of a serious offence involving dishonesty, corruption, abuse of office or violence, unless lawfully exonerated; or
 - c. has been removed from judicial or professional office for serious misconduct.

Article 35 — Diversity and equal opportunity

1. Appointment authorities shall seek a Court of the highest merit that also reflects the equal participation of women and men and, as reasonably practicable, Eritrea's regional, cultural, linguistic and social diversity.
2. Diversity shall be pursued through equal opportunity, broad recruitment and fair assessment and shall not excuse failure to satisfy Article 33.
3. Residence outside Eritrea shall not by itself disqualify an Eritrean citizen who is able to assume and faithfully perform judicial office.

Article 36 — Tenure and retirement

1. A permanent Justice holds office until reaching seventy years of age, unless the Justice earlier dies, resigns or is removed in accordance with Article 52 of the Constitution.
2. Appointment is not probationary and is not subject to renewal or executive confirmation.
3. A Justice reaching retirement age may complete a judgment in a matter heard before retirement if the judgment is delivered within ninety days.
4. Legislation altering retirement age shall not shorten the tenure of a serving Justice without that Justice's written consent.

Article 37 — Oath

1. Before exercising judicial authority, every Justice shall take the oath prescribed by Article 51 of the Constitution and reproduced in Schedule 1.
2. The oath shall be administered in public by a judicial officer authorized by law and preserved in the Court's official records.

Article 38 — Chief Justice

1. The Chief Justice presides over the Court and provides judicial and institutional leadership.
2. Subject to decisions of the Court and the law, the Chief Justice shall:
 - a. preside over full-Court sittings;
 - b. safeguard fair and efficient case assignment;
 - c. convene judicial conferences and administrative meetings;
 - d. supervise the Registrar in administrative matters;
 - e. represent the Court in institutional relations; and
 - f. perform other functions conferred by the Constitution, this Act or the Court Rules.
3. The Chief Justice shall not direct another Justice's vote, reasoning or opinion.
4. Administrative authority shall be exercised transparently and may be reviewed by the permanent Justices collectively.

Article 39 — Acting Chief Justice and precedence

1. When the Chief Justice is absent, recused, suspended or unable to act, the longest-serving permanent Justice shall act as Chief Justice for the necessary period.
2. Where two Justices have equal service, precedence is determined by the date and time of oath and then by seniority in legal service.
3. Acting service does not create a right to appointment as Chief Justice.

Article 40 — Remuneration and conditions of service

1. The remuneration, pension and essential conditions of a Justice shall be determined by law upon recommendation of the Judicial Service Commission.
2. Remuneration and benefits shall be charged upon the public fund designated by law and paid regularly.

3. A Justice's remuneration or conditions shall not be reduced to the Justice's disadvantage during tenure, except by a generally applicable tax or a proportionate measure affecting comparable constitutional officers and not directed at judicial work.
4. Judicial resources, housing, security, medical support and retirement arrangements shall be sufficient to protect independence and effective service, within available national resources.

Article 41 — Resignation, vacancy and continuing duty

1. A Justice may resign by signed notice to the President copied to the Chief Justice, National Assembly and Judicial Service Commission.
2. Resignation takes effect on the date stated or, if none, thirty days after receipt.
3. A vacancy shall be publicly declared within seven days and the constitutional appointment process commenced promptly.
4. A former Justice remains bound by deliberative confidentiality, conflicts obligations and restrictions on misuse of judicial information.

Article 42 — Reserve Justices

1. To prevent paralysis caused by recusal, vacancy, illness or emergency, there shall be a roster of not more than three Reserve Justices.
2. A Reserve Justice shall:
 - a. satisfy Article 33;
 - b. be proposed by the Judicial Service Commission;
 - c. be approved by the National Assembly; and
 - d. be appointed by the President in accordance with Article 42(8) of the Constitution.
3. A Reserve Justice serves on the roster for five years or until retirement at seventy-five, whichever occurs first, and may not be reappointed immediately.
4. A Reserve Justice exercises judicial authority only when designated to a particular matter under Article 49.
5. The Court Rules shall govern availability, remuneration, conflicts and designation without permitting selection based on anticipated views in a case.

Article 43 — Judicial immunity

1. In accordance with Article 48(3) of the Constitution, a Justice is not liable to suit for an act or omission in the exercise of judicial functions.
2. Judicial immunity does not prevent a lawful disciplinary investigation, removal process or prosecution for conduct wholly outside judicial functions.

Article 44 — Removal and suspension

1. A permanent or Reserve Justice may be removed before expiry of tenure only by the President, acting on the recommendation of the Judicial Service Commission, in accordance with Article 52 of the Constitution.

2. The only constitutional grounds are physical or mental incapacity, violation of law or breach of the judicial code of conduct.
3. Investigation, hearing and recommendation shall comply with due process, decisional-independence protections and the law governing the Judicial Service Commission.
4. The President may suspend a Justice under investigation only upon recommendation of the Judicial Service Commission.
5. Suspension is precautionary, shall be reviewed periodically and shall not reduce remuneration unless the Constitution expressly permits.

CHAPTER 6

THE SUPREME COURT: BENCHES AND DECISION-MAKING

Article 45 — Full Court

1. The full Court shall ordinarily hear:
 - a. a matter within the exclusive constitutional jurisdiction under Article 23;
 - b. a presidential-impeachment charge under Article 25;
 - c. a proceeding in which departure from a previous Supreme Court precedent is proposed;
 - d. a dispute between principal organs of the State; and
 - e. another matter designated by the Court Rules because of exceptional constitutional importance.
2. All permanent Justices able lawfully to sit shall participate, subject to quorum.

Article 46 — Appellate panels

1. An ordinary appeal shall be heard by an uneven panel of not fewer than three Justices.
2. Panel composition shall be determined through a neutral and pre-announced assignment system administered by the Registrar under the supervision of the Court.
3. A panel may refer a matter to the full Court where it raises a constitutional question, proposed departure from precedent or exceptional public importance.

Article 47 — Quorum

1. The quorum of the full Court is four Justices, except that:
 - a. the Court may hear an urgent constitutional matter with three Justices where delay would cause serious injustice and no Reserve Justice is reasonably available; and
 - b. a presidential-impeachment matter requires at least four Justices.
2. The quorum of an appellate panel is three.
3. A declaration that a law or governmental action is unconstitutional requires at least three affirmative votes.
4. A finding that a presidential-impeachment charge is proved requires at least four affirmative votes.
5. No case may be assigned or a Reserve Justice designated for the purpose of manufacturing a preferred majority.

Article 48 — Single-Justice authority

1. A single Justice may determine an unopposed scheduling matter, temporary administrative direction or urgent interim request that does not finally determine rights or constitutional validity.
2. A single Justice shall not:
 - a. dismiss a constitutional proceeding on its merits;
 - b. determine an appeal finally;
 - c. declare a law or governmental action unconstitutional;

- d. decide an impeachment charge; or
 - e. overrule or depart from precedent.
3. A materially affected party may request review of a single-Justice order by a panel of three Justices.

Article 49 — Designation of a reserve Justice

1. Where a permanent Justice cannot participate and designation is necessary to maintain an appropriate bench, the Registrar shall select a Reserve Justice by rotation from among eligible and available persons.
2. The proposed designation and any disclosed conflict shall be provided to the parties, who may raise an objection on legally recognized grounds.
3. The Chief Justice, or the other permanent Justices if the Chief Justice is affected, shall confirm the designation without regard to the Reserve Justice's perceived ideology or likely view.
4. Reasons shall be recorded, and the designation shall be public unless security requires temporary confidentiality.

Article 50 — Recusal and disqualification

1. A Justice shall recuse where impartiality might reasonably be questioned, including personal interest, close relationship, prior material participation or prohibited communication.
2. A Justice shall disclose circumstances that may reasonably raise a question without unnecessarily disclosing private information.
3. A party may move for recusal by a prompt, reasoned application supported by facts.
4. The affected Justice shall decide the motion initially and provide reasons. On request, the remaining Justices shall review the decision without participation of the affected Justice.
5. Recusal shall not be granted for strategic judge-shopping, disagreement with prior judgments or unsupported allegations.

Article 51 — Deliberation and voting

1. Judicial deliberations are confidential and limited to participating Justices and authorized staff whose presence is necessary.
2. Each Justice has one vote and an equal opportunity to participate.
3. A judgment is determined by majority vote, subject to the special thresholds in Article 47.
4. The Chief Justice has no casting vote.
5. A tie means that the relief sought in the Supreme Court is not granted, without creating binding precedent beyond the issues necessarily resolved.

Article 52 — Judgments and separate opinions

1. Every final judgment shall be reasoned, dated, authenticated and published.
2. The opinion supported by the required majority is the judgment of the Court.
3. A Justice may issue a concurring or dissenting opinion.

4. The judgment shall identify jurisdiction, material facts, issues, applicable law, analysis, disposition and orders.
5. A judgment shall be written clearly and avoid unnecessary determination of questions not required by the case.

Article 53 — Precedent

1. A holding of the Court binds every lower court and State organ.
2. The Court shall ordinarily follow its own holdings to promote legal stability.
3. Only the full Court may depart from a previous holding, and it shall state compelling reasons considering correctness, reliance, workability, constitutional development and the administration of justice.
4. A dissenting opinion, obiter dictum or summary is not a binding holding.

Article 54 — Correction, clarification and reconsideration

1. The Court may correct a clerical or typographical error without altering the substance of a judgment.
2. The Court may clarify an order where genuine uncertainty impedes compliance.
3. A final judgment may be reconsidered only by the full Court where necessary to correct:
 - a. fraud affecting the proceeding;
 - b. denial of a fundamental opportunity to be heard;
 - c. a manifest jurisdictional error; or
 - d. another exceptional injustice that cannot be remedied otherwise.
4. Reconsideration is not a second appeal and shall be subject to strict time limits in the Court Rules.

CHAPTER 7

THE SUPREME COURT: PROCEDURE AND REMEDIES

Article 55 — Court Rules

1. In exercise of Article 49(3) of the Constitution, the permanent Justices shall adopt Court Rules governing internal organization and procedure.
2. Proposed Rules and material amendments shall ordinarily be published for public comment.
3. Court Rules take effect upon publication in the Gazette of Eritrean Laws.
4. Court Rules may regulate filing, service, case management, leave to appeal, hearings, evidence, judgments, costs, records, electronic systems and professional conduct before the Court.
5. Court Rules shall not:
 - a. create substantive jurisdiction;
 - b. determine the number or tenure of Justices;
 - c. alter a constitutional appointment or removal process;
 - d. define the powers of another constitutional institution; or
 - e. restrict constitutional access more than is reasonably necessary for fair and efficient justice.

Article 56 — Parties and standing

1. A person has standing where the person alleges that a right or legally protected interest is directly affected.
2. The Court may recognize standing in the public interest where:
 - a. a serious constitutional question would otherwise evade review;
 - b. the applicant is suitable to present the issue responsibly; and
 - c. the proceeding is not abstract, collusive or abusive.
3. An association may act for identified members or an affected class with authority or where practical barriers justify representation.
4. The President, National Assembly, Advocate General and another State organ may bring a proceeding only within their lawful functions.

Article 57 — Constitutional proceedings

1. A constitutional proceeding shall identify:
 - a. the constitutional provision requiring interpretation;
 - b. the challenged law or governmental action;
 - c. the applicant's standing;
 - d. necessary facts;
 - e. prior proceedings or remedies; and
 - f. the relief sought.
2. Every State organ responsible for a challenged law or action shall receive notice and an opportunity to be heard.

3. The Advocate General shall receive notice where the constitutionality of legislation or State action is challenged, subject to legislation defining that office's representation functions.

Article 58 — References from lower courts

1. A lower court shall refer a substantial constitutional question where authoritative interpretation is necessary to determine a pending case.
2. The referring court shall state agreed and disputed facts, the precise question, relevant findings and the parties' positions.
3. The Supreme Court may reformulate the question without changing the substance or prejudicing the parties.
4. The lower-court proceeding may be stayed, except for protective or urgent orders.
5. After the Supreme Court answers the question, the lower court shall decide the case consistently with that answer.

Article 59 — Exceptional direct access

1. The Court may permit direct access where:
 - a. the matter falls within exclusive constitutional jurisdiction;
 - b. it is urgent or of exceptional public importance;
 - c. no adequate lower-court process can provide timely justice;
 - d. necessary facts are agreed or can fairly be determined; and
 - e. direct access serves the interests of justice.
2. Direct access shall remain exceptional so the Supreme Court does not become the ordinary court of first instance.

Article 60 — Leave to appeal

1. An application for leave shall identify the proposed questions of law, reasons for Supreme Court review and prospects of success.
2. Leave may be decided on written submissions by three Justices.
3. Reasons shall be given for granting leave and may be given briefly for refusal where appropriate.
4. Leave may be limited to specified issues.

Article 61 — Record and questions of fact

1. An appeal shall ordinarily be determined on the record of the lower court.
2. The Court may not require agreed facts where doing so would prevent a genuine constitutional dispute from being heard fairly.
3. Where material facts are disputed in an original constitutional proceeding, the Court may:
 - a. receive affidavit or documentary evidence;
 - b. hear limited oral evidence;
 - c. appoint a judicial officer to take evidence and report; or

- d. remit factual questions to a competent lower court while retaining the constitutional matter.
4. The full Court shall itself determine evidence in a presidential-impeachment proceeding under Chapter 8.

Article 62 — Interim and protective relief

1. The Court may grant interim relief necessary to preserve rights, jurisdiction or the effectiveness of final judgment.
2. The Court shall consider urgency, apparent merit, irreparable harm, balance of hardship, public interest and constitutional consequences.
3. Interim relief against a law or State organ shall be narrowly tailored and reasoned.
4. A single-Justice interim order expires within fourteen days unless confirmed or varied by a panel.

Article 63 — Amicus curiae and intervention

1. The Court may permit an amicus curiae whose independent submissions are likely to assist with law, comparative practice, affected interests or remedial consequences.
2. An amicus shall disclose its interest, funding and material affiliations.
3. The Court may permit intervention where a person's legal rights will be directly affected and existing parties cannot adequately represent them.
4. Participation shall not cause disproportionate delay or duplicate the parties' submissions.

Article 64 — Open Justice

1. Hearings, filings and judgments shall ordinarily be open to the public.
2. The Court may restrict access only to the extent necessary to protect children, vulnerable persons, lawful privilege, national security in a democratic society, personal safety, confidential commercial information or the proper administration of justice.
3. A restriction shall be reasoned, narrowly tailored and periodically reviewable.
4. Public hearings may be livestreamed and recorded under standards that protect fairness and dignity.

Article 65 — Languages and interpretation

1. Every party may use an Eritrean language and is entitled to interpretation necessary for meaningful participation.
2. The Court shall determine one or more working languages for each proceeding after considering the parties, record, available capacity and constitutional equality of Eritrean languages.
3. No person shall suffer procedural disadvantage because of language.
4. Judgments shall be issued in an authoritative working-language version and accompanied, as resources permit and public importance requires, by accurate translations or summaries in other Eritrean languages.
5. A translation shall identify whether it is authoritative or informational.

Article 66 — Hearings and written procedure

1. The Court may determine a matter on written submissions where oral argument would not materially assist and fairness does not require it.
2. A constitutional, impeachment or exceptionally important proceeding shall ordinarily receive a public oral hearing.
3. Justices may question counsel, and counsel shall owe the Court candour concerning law and fact.
4. Time limits and page limits shall be proportionate and shall not prevent a fair hearing.

Article 67 — Timely judgment

1. Judgment shall be delivered without unreasonable delay.
2. The Court Rules shall establish indicative periods for priority, ordinary and complex cases.
3. Where judgment remains outstanding beyond the indicative period, the Registrar shall publish a non-prejudicial status notice without revealing deliberations.
4. Delay shall not be addressed through executive or legislative pressure concerning the result.

Article 68 — Constitutional remedies

1. Where the Court finds a law or governmental action unconstitutional, it shall declare the inconsistency and make an effective order consistent with Articles 2 and 28 of the Constitution.
2. The Court may, as law and justice permit:
 - a. sever invalid provisions;
 - b. interpret a provision consistently with the Constitution where the text reasonably permits;
 - c. set aside governmental action;
 - d. prohibit or compel governmental action;
 - e. remit a matter with binding directions;
 - f. award compensation where constitutionally authorized;
 - g. retain supervisory jurisdiction over compliance; or
 - h. grant other relief necessary to secure constitutional rights.
3. A remedy shall respect separation of powers while ensuring that constitutional violations receive practical redress.
4. The Court shall hear submissions on remedial consequences where an order may materially affect persons not before it or essential public administration.

Article 69 — Costs, fees and legal assistance

1. Filing fees shall be prescribed by law or Court Rules and shall not prevent access to constitutional justice.
2. The Court may waive or defer fees for inability to pay or public-interest litigation.

3. Costs shall ordinarily follow fairness rather than punishment, and a good-faith constitutional litigant shall not be deterred by an excessive costs order.
4. Legal aid shall be available where required by the Constitution or law and the interests of justice.

CHAPTER 8

PRESIDENTIAL-IMPEACHMENT PROCEEDINGS

Article 70 — Constitutional character

1. A proceeding under this Part is the special constitutional adjudication of a charge transmitted by the National Assembly and is not an ordinary appeal or criminal prosecution.
2. The proceeding shall protect the Constitution, the Presidency, democratic accountability and the President's right to a fair hearing.
3. No criminal punishment may be imposed under this Part. Criminal liability, if any, requires separate proceedings under a pre-existing law with all applicable safeguards.

Article 71 — Commencement and certification

1. The proceeding begins when the Chairperson of the National Assembly transmits:
 - a. the authenticated resolution supported by the constitutionally required majority;
 - b. the precise charge under Article 55(6)(a) or (b);
 - c. particulars and supporting material;
 - d. the record of the Assembly's proceedings; and
 - e. the identity of counsel authorized to present the charge.
2. The Court shall first verify constitutional regularity without reviewing the political merits of the Assembly's decision to initiate proceedings.
3. A defective charge may be returned once for clarification or correction within a specified period.

Article 72 — Composition and priority

1. The full Court shall hear the charge with not fewer than four Justices.
2. A Justice having participated materially in investigation, prosecution or defence of the charge shall not sit.
3. The proceeding has priority over ordinary business, subject to urgent protection of life or liberty.
4. The Chief Justice shall preside unless recused, in which case Article 39 applies.

Article 73 — Presentation and defence

1. The National Assembly shall appoint independent counsel to present the charge.
2. The Advocate General may assist only to the extent authorized by law and compatible with professional independence and any duty owed to the State rather than a particular office-holder.
3. The President is entitled to counsel, adequate time and facilities, disclosure, attendance, presentation of evidence, questioning of witnesses and submissions.
4. The Court may appoint independent counsel to address a legal or constitutional issue insufficiently presented by the parties.

Article 74 — Evidence and procedure

1. The Court may receive witnesses, documents, expert evidence and other reliable material and shall determine relevance, admissibility and weight.
2. The Court may compel attendance and production, subject to lawful privilege and narrowly tailored security protections.
3. The President shall not be compelled to testify, and no adverse inference shall arise solely from the decision not to testify.
4. The rules of evidence shall be applied flexibly enough for constitutional adjudication but strictly enough to protect fairness and reliability.
5. An official record and, where public, audiovisual recording shall be preserved.

Article 75 — Standard and burden of proof

1. Counsel presenting the charge bears the burden of proof.
2. A charge is proved only by clear and convincing evidence establishing the alleged constitutional or grave legal violation.
3. A finding that a charge is proved requires the vote specified in Article 47(4).

Article 76 — Public hearing and protected information

1. The hearing shall be public because of its exceptional constitutional importance.
2. The Court may close a narrowly limited portion to protect compelling national security, witness safety, lawful privilege or another interest essential in a democratic society.
3. The substance of the charge, the President's response and the final judgment shall remain public.

Article 77 — Judgment and constitutional consequences

1. The Court shall determine each charge separately and declare it proved or not proved with full reasons.
2. The judgment is final and shall be transmitted immediately to the President, the Chairperson of the National Assembly and the public official constitutionally responsible for continuity of the Presidency.
3. The constitutional consequence for the President's tenure shall be governed by Article 55, the authenticated resolution of the National Assembly and any legislation enacted consistently with the Constitution.
4. The Court shall not enlarge or diminish the National Assembly's constitutional removal power or impose a criminal sentence under this proceeding.
5. A judgment that a charge is not proved bars repetition of the same charge on substantially the same facts, without preventing lawful criminal or civil proceedings governed by a different cause and standard.

CHAPTER 9 THE HIGH COURT

Article 78 — Establishment

There is established a High Court of Eritrea with national jurisdiction and such stations as may be established by law.

Article 79 — Composition

1. The High Court consists of a President of the High Court and the number of other judges determined by law.
2. Judges may be assigned to divisions or stations under a neutral and published system.

Article 80 — Original jurisdiction

1. The High Court has unlimited original civil and criminal jurisdiction, subject to exclusive Supreme Court jurisdiction and lawful allocations to another court.
2. It may hear judicial-review proceedings and serious rights claims within jurisdiction conferred by law.

Article 81 — Appellate jurisdiction

1. The High Court hears appeals from Regional Courts and another tribunal where legislation so provides.
2. An appeal shall ordinarily be determined on the record, subject to lawful power to receive additional evidence where justice requires.

Article 82 — Supervisory jurisdiction

1. The High Court may supervise lower courts and statutory adjudicative bodies to ensure legality, jurisdiction and procedural fairness.
2. Supervision shall not authorize administrative direction of a lower judge's decision in a pending matter.

Article 83 — Divisions

1. The Court Rules may establish divisions for civil and commercial, criminal, public and administrative law, family and children, labor and land, or another coherent field.
2. A division remains part of the High Court and does not create a separate court or exclusive jurisdiction unless legislation provides otherwise.

Article 84 — Appellate division

1. Until legislation establishes a separate intermediate Court of Appeal, an Appellate Division of the High Court shall hear appeals assigned to the High Court.

2. A judge shall not sit on an appeal from that judge's own decision or a matter in which the judge participated materially.
3. An appeal shall ordinarily be heard by three judges where the law designates exceptional seriousness or precedential importance; another appeal may be heard by one judge as rules provide.

Article 85 — President of the High Court

1. The judges of the High Court shall elect the President from among themselves for a five-year non-renewable term.
2. The President coordinates administration, safeguards neutral assignment, convenes meetings and represents the High Court.
3. The President shall not direct another judge's reasoning, vote or judgment.

Article 86 — High Court Registrar

1. The Commission shall appoint a High Court Registrar through open competition after consultation with the High Court judges.
2. The Registrar manages the Registry and non-judicial administration under policy adopted by the Court and Commission.

Article 87 — High Court Rules

1. The High Court judges may propose procedural rules for lawful adoption and publication.
2. Rules may regulate filing, service, divisions, assignment, panels, appeals, evidence, hearings, costs and records but shall not create substantive jurisdiction.

Article 88 — Appeal from High Court

1. An appeal from the High Court lies to the Supreme Court only where legislation grants an appeal as of right or the Supreme Court grants leave.
2. The High Court shall prepare and certify the appellate record promptly.

CHAPTER 10 REGIONAL COURTS

Article 89 — Establishment

There are established Regional Courts for the regions and stations prescribed by law.

Article 90 — Composition

1. A Regional Court consists of a Presiding Regional Judge and the number of other judges determined by law.
2. A judge may sit at another station temporarily only under a neutral and reasoned arrangement consistent with tenure protections.

Article 91 — Civil jurisdiction

1. A Regional Court has original civil jurisdiction within subject-matter and monetary limits prescribed by law.
2. It may grant interim and protective relief necessary to preserve rights and the effectiveness of judgment.

Article 92 — Criminal jurisdiction

1. A Regional Court has original criminal jurisdiction over offences and sentencing ranges assigned by law.
2. An accused is entitled to all constitutional and statutory fair-trial guarantees.

Article 93 — Appellate jurisdiction

1. A Regional Court hears appeals from Community Courts.
2. The standard and scope of appeal shall be determined by law and shall account for the quality of the Community Court record.

Article 94 — Specialized lists

1. A Regional Court may maintain specialized lists for family, children, labor, land, commercial or other work where caseload and expertise justify.
2. A specialized list does not create a court controlled by an executive ministry or private interest.

Article 95 — Presiding regional judge

1. Regional Court judges in the region shall elect a Presiding Regional Judge for a four-year term, renewable once.
2. The Presiding Judge coordinates administration and assignment without directing adjudication.

Article 96 — Regional Registrar

1. The Commission shall appoint a Regional Registrar through open competition after consultation with judges of the region.
2. The Registrar manages records, notices, scheduling, finances and staff under lawful policy.

Article 97 — Appeal from Regional Court

1. An appeal lies to the High Court as legislation provides.
2. A party shall receive a certified and accessible record and reasons for the decision appealed from.

CHAPTER 11 COMMUNITY COURTS

Article 98 — Establishment and purpose

1. Community Courts are established to provide accessible, lawful and impartial local justice.
2. They shall combine procedural simplicity with constitutional fairness and a reliable record.

Article 99 — Composition

1. A Community Court shall be presided over by a judge appointed under the Constitution and law.
2. Legislation may authorize trained assessors to advise on community context or customary norms, but an assessor shall not displace the judge's duty to apply the Constitution and law.

Article 100 — Civil jurisdiction

1. A Community Court may hear minor civil, family, neighborhood, tenancy, property-use and customary disputes within limits prescribed by law.
2. It may encourage voluntary settlement while preserving access to judgment and appeal.

Article 101 — Criminal jurisdiction

1. A Community Court may hear only minor offences expressly assigned by law.
2. It shall not impose a sentence of imprisonment beyond a narrowly prescribed limit and shall not hear an offence reserved to a higher court.

Article 102 — Customary norms

1. A Community Court may apply a proved customary norm only where legislation authorizes and the norm is consistent with the Constitution, equality, dignity, public policy and written law.
2. A person shall not be compelled to accept customary resolution in place of a lawful judicial remedy.

Article 103 — Procedure

1. Procedure shall be simple, accessible and recorded sufficiently for review.
2. Parties are entitled to notice, an impartial decision-maker, opportunity to present and challenge material, interpretation and reasons.

Article 104 — Community Court registry

1. Each Community Court shall maintain a Registry or shared Registry access point under a responsible officer.

2. Assisted filing and referral information shall be available without providing legal advice on the merits.

Article 105 — Appeals

1. A decision may be appealed to the Regional Court as legislation provides.
2. The Regional Court may order a rehearing where an inadequate record or serious procedural defect prevents fair appellate review.

Article 106 — Community participation and independence

Local authorities may provide lawful logistical assistance but shall not select a judge, direct a case, control records or enforce an informal outcome contrary to law.

CHAPTER 12

COMMON COURT OPERATIONS, REGISTRIES AND INSTITUTIONAL SUPPORT

Article 107 — Jurisdiction determined by law

1. A court shall exercise only jurisdiction conferred by the Constitution or legislation.
2. Jurisdiction shall not be created by administrative policy, consent, technology or practice direction.

Article 108 — Constitutional questions

1. A lower court may apply clear constitutional provisions and protect rights within its lawful jurisdiction.
2. A substantial disputed question requiring authoritative constitutional interpretation shall be referred to the Supreme Court under legislation and Supreme Court Rules.
3. The lower court may preserve urgent relief and shall complete the matter consistently with the Supreme Court's determination.

Article 109 — Neutral case assignment

1. Cases shall be assigned under a pre-announced, neutral and auditable system administered by the appropriate Registrar.
2. Random assignment shall be used where practicable, subject to specialization, workload, urgency, recusal and availability.
3. A departure shall be reasoned and recorded; no case may be assigned to manufacture a preferred outcome.

Article 110 — Transfer of cases

1. A case may be transferred to correct jurisdiction or venue, protect fairness, address conflict, improve access or balance exceptional workload.
2. Transfer shall not be used for judge-shopping, punishment or anticipated ideology.
3. A materially affected party may seek review of a transfer decision.

Article 111 — Registrar

1. The Court shall appoint a Registrar through open competition.
2. The Registrar shall be a qualified lawyer of at least ten years' relevant experience and proven integrity, competence and political neutrality.
3. The Registrar is the principal administrative officer and shall act under the lawful institutional direction of the Court, not the executive.
4. The Registrar serves for six years and may be reappointed once after a documented performance review.

Article 112 — Functions of the Registrar

1. The Registrar shall:
 - a. receive, verify, register and safeguard filings;
 - b. maintain the docket and official case files;
 - c. administer neutral case assignment;
 - d. issue notices and certify Court records;
 - e. support hearings and judgment publication;
2. The Registrar shall also:
 - a. manage staff, procurement and finances as accounting officer;
 - b. protect information systems and archives;
 - c. prepare budgets, statistics and administrative reports; and
 - d. perform other non-judicial functions assigned by law or the Court.

Article 113 — Deputy Registrar and staff

1. The Court may appoint a Deputy Registrar, legal researchers, law clerks, translators, information-technology personnel, records officers, finance staff and other necessary employees.
2. Recruitment shall be competitive, merit-based and consistent with equal opportunity.
3. Staff shall owe duties of impartiality, confidentiality, accuracy and service to the Court as an institution.
4. A person shall not be appointed or seconded if continuing loyalty to a political, executive, security or private interest creates an unacceptable risk to independence.

Article 114 — Law clerks, researchers, interns and volunteers

1. A Justice may receive professional research assistance through an institutional program administered by the Registrar.
2. Every assistant shall undergo conflict screening, security controls, training and a binding confidentiality undertaking.
3. An intern or volunteer may not access sealed material or deliberative drafts except where strictly necessary, expressly authorized and securely supervised.
4. No assistant may decide a case, vote, communicate a judicial decision or substitute for a Justice's personal reasoning.
5. The Court shall prefer stable professional capacity over continuing dependence on unsupervised voluntary service.

Article 115 — Budget and financial independence

1. The Supreme Court shall determine the resources necessary for its internal organization, operation and constitutional jurisdiction and shall transmit those requirements to the Judicial Service Commission for inclusion in the consolidated judicial budget.

2. The Commission shall not alter a properly supported Supreme Court request without consultation and written reasons and shall transmit the original request and any unresolved objection to the National Assembly.
3. Appropriated Supreme Court funds shall be released predictably and administered under public-finance law through arrangements that preserve the Court's constitutional authority and permit lawful shared services.
4. No financial decision may be used to influence a pending matter, panel, judgment or remedy.

Article 116 — Accounts and audit

1. Supreme Court accounts shall form an identifiable component of judiciary accounts maintained under the Judicial Service Commission Act.
2. The Auditor General shall audit those accounts without examining judicial deliberations or the merits of a case.
3. The Court and Commission shall respond publicly to lawful audit findings while protecting confidential case information.

Article 117 — Registry and access channels

1. The Court shall maintain a secure central registry and may establish regional or shared filing facilities.
2. A person may file electronically, physically or through another reliable channel authorized by the Court Rules.
3. Lack of internet access, disability, remote residence or language shall not prevent a person from filing or receiving notice.
4. Registry staff shall provide procedural information but not legal advice concerning the merits.

Article 118 — Electronic Case Access and Management

1. The Court may maintain a Case Access and Management system as the official electronic platform for docketing, filing, service, scheduling, records and publication.
2. The system shall preserve authenticity, version history, access permissions, timestamps and auditable changes.
3. An electronic record is official only where the Registrar can certify its integrity.
4. The Court shall maintain tested backup, disaster-recovery and non-digital continuity arrangements.
5. Technology failure shall not deprive a person of a right or invalidate an otherwise authentic filing.
6. The Court shall exercise its authority under this Article consistently with judiciary-wide service standards lawfully adopted under the Judicial Service Commission Act, provided that no standard may control adjudication or confidential deliberation.

Article 119 — Cybersecurity and data protection

1. The Court shall adopt cybersecurity and data-protection standards proportionate to the sensitivity and constitutional importance of its records.
2. Standards shall address identity verification, encryption, access controls, incident response, backups, vendor risk, audit logs, retention and secure destruction.
3. A material breach shall be contained, investigated and disclosed to affected persons and appropriate oversight authorities unless delayed disclosure is strictly necessary to prevent greater harm.
4. No foreign or private service provider may control judicial records, suspend Court access or use Court information for an unrelated purpose.
5. The Court shall exercise its authority under this Article consistently with judiciary-wide service standards lawfully adopted under the Judicial Service Commission Act, provided that no standard may control adjudication or confidential deliberation.

Article 120 — Use of artificial intelligence

1. Artificial intelligence may assist research, translation, transcription, scheduling, accessibility, citation checking and document management.
2. A Justice remains personally responsible for every judgment and shall independently verify law, facts, quotations and analysis.
3. Confidential or personal material shall not be submitted to an unapproved system.
4. AI shall not determine case assignment, credibility, guilt, constitutional validity or the outcome of a proceeding.
5. Material AI use affecting a party's procedural rights shall be documented and subject to human review.
6. The Court shall exercise its authority under this Article consistently with judiciary-wide service standards lawfully adopted under the Judicial Service Commission Act, provided that no standard may control adjudication or confidential deliberation.

Article 121 — Official records and archives

1. The Registrar shall preserve pleadings, evidence, orders, judgments, recordings, administrative records and historical editions of the Court Rules.
2. A retention schedule shall distinguish permanent constitutional records from temporary administrative material.
3. A correction shall preserve the original version and an audit trail.
4. Records of enduring constitutional significance shall be transferred or duplicated in a secure national archive without impairing the Court's custody and access.
5. The Court shall exercise its authority under this Article consistently with judiciary-wide service standards lawfully adopted under the Judicial Service Commission Act, provided that no standard may control adjudication or confidential deliberation.

Article 122 — Publication of judgments and docket information

1. Judgments and public orders shall be published promptly, free of charge, in searchable and citable form.
2. The public docket shall identify the case number, parties, subject, panel, status, filings, hearing date and disposition, subject to lawful restriction.
3. Personal information unnecessary to public understanding may be redacted, particularly concerning children, victims and vulnerable persons.
4. The authoritative judgment and any correction shall be clearly identified.
5. The Court shall exercise its authority under this Article consistently with judiciary-wide service standards lawfully adopted under the Judicial Service Commission Act, provided that no standard may control adjudication or confidential deliberation.

Article 123 — Annual administrative report

1. Within four months after each financial year, the Court shall publish an administrative report.
2. The report shall include caseload, disposition, time to judgment, pending cases, access measures, language services, staffing, technology, expenditure and implementation priorities.
3. The report may identify systemic barriers to justice but shall not defend the merits of judgments or reveal deliberations.
4. The Chief Justice and Registrar may answer National Assembly questions concerning administration and expenditure, but shall not be questioned or directed concerning a pending case, vote or judicial reasoning.
5. The Court shall exercise its authority under this Article consistently with judiciary-wide service standards lawfully adopted under the Judicial Service Commission Act, provided that no standard may control adjudication or confidential deliberation.

Article 124 — 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 125 — Appointment of registrars

1. The Registrar of a lower court shall be appointed by the Judicial Service Commission through open, competitive and merit-based recruitment after consultation with the judges of the court concerned.
2. The Supreme Court shall appoint or approve the appointment of its Registrar in the manner determined by the Court under Article 49(3) of the Constitution, using professional support supplied by the Commission where requested.

3. A Registrar shall have secure professional tenure, be subject to a published code and be removable only for incapacity, serious misconduct or sustained incompetence after fair procedure.

Article 126 — 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 127 — 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 128 — 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 129 — 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 130 — 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 13

ETHICS AND INSTITUTIONAL RELATIONS

Article 131 — Judicial Code of conduct

1. Every Justice is subject to a judicial code of conduct determined by law under Article 48(2) of the Constitution.
2. The Code shall address independence, impartiality, integrity, propriety, equality, competence, diligence, political neutrality, conflicts, gifts, outside activities, communication and confidentiality.
3. Interpretation and enforcement of the Code shall not punish a good-faith judicial decision or substitute disciplinary review for appeal.

Article 132 — Ex parte communication and public comment

1. A Justice shall not receive a private communication concerning the merits of a pending or impending matter except as authorized by procedural law and disclosed to affected parties.
2. A Justice shall not publicly comment in a manner that prejudices a pending matter or reasonably undermines impartiality.
3. This Article does not prevent judicial education, explanation of Court procedure or responsible discussion of concluded cases.

Article 133 — Complaints concerning Justices

1. A complaint alleging incapacity, violation of law or breach of the Code shall be submitted to the Judicial Service Commission.
2. The Court shall cooperate with a lawful investigation while protecting deliberative confidentiality and the decisional independence of uninvolved Justices.
3. A disagreement with a judgment shall be addressed through lawful judicial process and is not, without more, misconduct.

Article 134 — Relationship with the Judicial Service Commission

1. The Judicial Service Commission proposes candidates other than the Chief Justice, recommends terms and conditions of judicial service, and performs its Article 66 functions.
2. The Commission shall not direct case assignment, Court administration, interpretation, judgment or remedy.
3. The Court may provide the Commission with non-case-specific information necessary for workforce planning and service conditions.

Article 135 — Relationship with the Advocate General

1. The Advocate General's authority to advise or represent the State shall be determined by legislation under Article 54 of the Constitution.

2. Court Rules may regulate appearance and professional duties but shall not create or enlarge the Advocate General's substantive powers.
3. A State representative owes duties of candour, legality and fairness to the Court and shall not suppress controlling authority or material evidence.

Article 136 — Cooperation and enforcement

1. Every person and State organ shall comply promptly and in good faith with a judgment or order of the Court.
2. The Court may require a responsible official to report on compliance and may issue further lawful directions.
3. A deliberate refusal to comply may be addressed through contempt or another lawful remedy with due process.
4. Security bodies shall enforce Court orders only under law and shall not enter judicial premises, access protected records or interfere with proceedings except as lawfully authorized.

CHAPTER 14

LOWER-COURT JUDGES AND TRANSITIONAL PERSONNEL

Article 137 — Appointment of lower-Court judges

1. A lower-court judge shall be appointed by the President upon proposal of the Judicial Service Commission in accordance with the Constitution.
2. The Commission shall use an open, competitive, merit-based process governed by law.
3. Neither the Commission nor Administrative Office may substitute a candidate or direct the Commission's proposal.

Article 138 — Qualifications

1. Legislation shall prescribe qualifications proportionate to each court level and consistent with competence, integrity, independence and equal opportunity.
2. Political loyalty, security affiliation, ethnicity, region, religion or an anticipated judicial view shall not be a selection criterion.

Article 139 — Tenure and transfer

1. Judicial tenure shall be determined by law and protected against arbitrary non-renewal, removal or transfer.
2. A permanent judge shall not be transferred without consent except under a lawful court reorganization, narrowly limited emergency reinforcement or constitutionally valid disciplinary measure with due process.

Article 140 — Complaints concerning judges

1. A complaint alleging a constitutional ground for investigation shall be submitted to the Judicial Service Commission.
2. Disagreement with a judgment is addressed through appeal or lawful review and is not, without more, misconduct.
3. Administrative complaints about service shall be separated from judicial-conduct complaints.

Article 141 — Legacy personnel review

1. No person shall be removed or disqualified solely because of prior public or judicial employment.
2. Any transitional integrity review shall be individualized, based on published criteria and evidence, and provide notice, disclosure, representation, reasons and review.
3. Serious corruption, fabrication, torture, political persecution or sustained denial of fair process shall be addressed through lawful procedures.

CHAPTER 15

TRANSITIONAL AND FINAL PROVISIONS

Article 142 — Constitution of the first Court

1. The appointment authorities shall begin the constitutional processes for all five permanent offices promptly after commencement.
2. The Court is initially constituted when the Chief Justice and at least two other permanent Justices have taken the oath.
3. The remaining permanent vacancies shall be filled within one hundred and eighty days unless a court finds that exceptional circumstances justify a limited extension.
4. Until all five offices are filled, a constitutional declaration requires the unanimous vote of three sitting Justices, and an impeachment charge shall not proceed with fewer than four.
5. Temporary incompleteness shall not justify appointment outside Articles 42 and 49 of the Constitution.

Article 143 — First rules and review of existing drafts

1. Within ninety days after initial constitution, the Court shall adopt interim Rules consistent with this Act.
2. The Court may review procedural materials developed by the ABC Journey or another preparatory body, but those materials have no legal force unless lawfully adopted.
3. The review shall pay particular attention to:
 - a. jurisdiction created only by Constitution or legislation;
 - b. fact-finding in constitutional and impeachment matters;
 - c. quorum and recusal;
 - d. Advocate General terminology;
 - e. equality of languages;
 - f. non-digital access;
 - g. confidentiality, cybersecurity and AI; and
 - h. separation of judicial and administrative responsibilities.
4. Final Rules shall be adopted after public consultation within one year.

Article 144 — 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 145 — Existing courts, cases and judgments

1. Existing lower courts and lawful judgments continue subject to the Constitution and transitional legislation.
2. Pending appeals shall transfer to the Supreme Court only where jurisdiction is conferred by law and the record can be preserved fairly.

3. No prior judgment shall be disregarded solely because it predates this Act; its precedential weight shall be determined under the Constitution, continuity law and principles of legality and justice.
4. A person does not acquire a right to serve as a Supreme Court Justice merely by holding judicial office before commencement.

Article 146 — Educational and preparatory institutions

1. No civic, opposition, diaspora, educational or preparatory body may claim binding judicial authority under this Act unless lawfully constituted as an organ of the State.
2. A model court may conduct moot, educational or consent-based proceedings if it clearly discloses that its decisions are non-binding and protects fairness, privacy and reputation.
3. Model judgments, procedures, technology and research may be considered by the lawful Court but do not bind it.
4. No person serving in an educational court acquires a constitutional judicial office or preference in appointment.

Article 147 — Phased establishment of courts

1. The High Court and priority Regional Court stations shall be established first according to a published access and caseload plan.
2. Community Courts shall be established progressively with trained judges, records capacity, appeal access and language support.
3. A person shall not lose an existing lawful forum before a competent replacement is operational.

Article 148 — 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 149 — Coordination with the Judicial Service Commission Act

1. The Judicial Service Commission, the Supreme Court, heads of lower courts and responsible public institutions shall adopt written protocols for budgets, registries, appellate records, constitutional references, facilities, technology, security, language services and public access.
2. A protocol shall preserve the Supreme Court's authority under Article 49(3) of the Constitution, the decisional independence of every judge and the statutory functions of each institution.
3. A protocol may allocate a shared service but shall not create jurisdiction, alter tenure or authorize access to judicial deliberations.

Article 150 — Regulations and practice directions

1. The Court may issue administrative regulations and practice directions consistent with the Constitution, this Act and the Court Rules.
2. A practice direction may clarify filing or case management but shall not amend legislation or substantially restrict jurisdiction or access.
3. General regulations and practice directions shall be published before taking effect, except for a temporary urgent direction whose reasons and duration are stated.

Article 151 — 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 2.

SCHEDULE 1
— CONSTITUTIONAL OATH OF A JUDGE

I, _____, swear in _____ that I will adjudicate in accordance with the provisions of the Constitution and laws enacted thereunder and I will exercise the judicial authority vested in me, subject only to the law and my conscience.

SCHEDULE 2

— PHASED ESTABLISHMENT OF THE JUDICIARY

Deadline from commencement	Minimum deliverable
1. First thirty days	The responsible institutions shall protect existing cases and records; publish Supreme Court vacancies or the Chief Justice proposal as constitutionally appropriate; map existing courts, personnel and facilities; identify interim premises and registry capacity; and publish a coordinated implementation plan.
2. First one hundred days	The responsible institutions shall complete constitutional appointments as due process permits; administer judicial oaths; appoint interim Registrars transparently; adopt interim court rules, recusal and neutral case-assignment protocols; establish physical and electronic filing; and adopt records, security, language and continuity controls.
3. First year	The Supreme Court and priority High and Regional Court stations shall become operational; essential judicial and professional posts shall be filled; secure CAAM services shall be introduced; appellate records and constitutional-reference procedures shall be connected; and the first judicial budget and public institutional report shall be submitted.
4. First three years	Regional and Community Court rollout shall be completed according to evidence of need; interpretation, legal-aid referral and regional access shall expand; disaster recovery and archive integrity shall be tested annually; and the operation of the court structure and rules shall receive an independent public review.

SCHEDULE 3
— INSTITUTIONAL RESPONSIBILITY BOUNDARIES

The Supreme Court determines its internal organization and operation and controls its adjudicative work. No Commission policy may displace that constitutional authority.

The High Court, Regional Courts and Community Courts manage daily judicial business through their heads and Registrars under this Act and applicable Court Rules.

The Judicial Service Commission performs judicial recruitment, service, discipline and judiciary-wide institutional-support functions under the Constitution and the Judicial Service Commission Act.

The Administrative Office supplies shared professional services but exercises no judicial power.

The National Assembly establishes jurisdiction and appropriates resources but may not direct a pending case or inquire into confidential deliberations.

The executive provides assistance and releases appropriated resources but may not control case assignment, registries, judicial records or decisions.

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

THE NATIONAL ASSEMBLY OF ERITREA