

LAWS OF THE NEW SUDAN

**THE HIGH JUDICIAL COUNCIL
ACT, 2003**

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Constitutional Development.**

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The High Judicial Council Act, 2003

**(PROVISIONAL ORDER)
Laws of the New Sudan
The High Judicial Council Act, 2003**

CHAPTER ONE

Preliminary Provisions

Title and Commencement:- **Section 1.** This Act may be cited as “The High Judicial Council Act, 2003” and shall come into effect on the date of signature.

Definitions:- **Section 2.** In this Act, unless the context otherwise requires the following words and expressions shall carry the meanings assigned to them:-

“**Council**” means the High Judicial Council established under section 3 of this Act.

“**SPLM**” means the Sudan People’s Liberation Movement.

“**CANS**” means the Civil Authority of the New Sudan.

“**Chairman**” means the Chairman of SPLM/CANS.

“**Commission**” means the Judiciary and Law Enforcement Agencies Commission.

“**Attorney General**” means the Commissioner for Legal Affairs and Constitutional Development.

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Chapter Two

Establishment, Constitution And Powers Of The Council

Section 3. There shall be established in the New Sudan a Council, to be known as "The High Judicial Council", hereinafter referred to as "The Council".

**Establishment
of the Council:-**

Section 4. The High Judicial Council shall be constituted as follows:-

**Constitution
of the Council:-**

- a) Chairman of SPLM/CANS
Chairman.
- b) Chairman of the Commission
Member.
- c) The Chief Justice
Member.
- d) Commissioner for Finance & Economic Planning
Member.
- e) The Attorney General
Secretary.
- f) Deputies of the Chief Justice
Members.
- g) Dean of Faculty of Law
(Provisionally the Principle of the Institute for Legal
Studies)
Member.
- h) Chairman of Bar Association
Member.

Section 5.

- a) The Chairman may delegate his deputy to chair the meetings of the Council whenever he deems it appropriate.
- b) In the absence of the Chairman and his deputy, the Chairman of the Commission shall chair and in his absence, the Chief Justice.

**Meetings and
Resolutions
of the Council:-**

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- c) The Council shall meet quarterly in addition to extra ordinary meetings.
- d) An extra ordinary meeting shall be called by the Chairman; the request of the Chief Justice or a written request signed by one third of the members of the Council.
- e) The quorum for the meetings of the Council shall be more than half of its membership.
- f) All the deliberations of the Council, shall be closed and secret.
- g) Resolutions of the Council shall be passed by simple majority of the members present and in case of a tie, the chair shall have a casting vote.

Powers of the Council:-

Section 6.

- a) In addition to the powers vested upon it under the Judiciary Act, 2003, the High Judicial Council shall:-
 - i) Advise the Chairman on the appointment, removal and retirement of Judges.
 - ii) Advise the Chairman on the promotion, transfer and discipline of Judges.
 - iii) Study and express opinion on draft laws and budgetary proposals pertaining to the Judiciary.
- b) The Council may delegate any of its powers under subsection (a) above, to the Chief Justice.
- c) The Council may summon any person to give an explanation or clarify any issue before it. It may also call for the production of documents or particulars from any authority or individual.

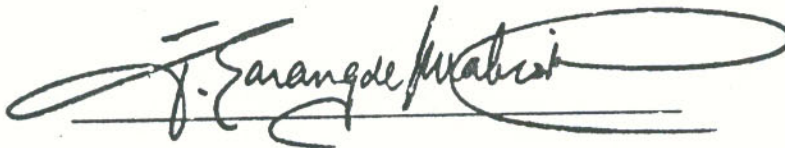
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Section 7.

The High Judicial council may issue rules and regulations to regulate its functions and duties.

Regulations:-

Given under my hand this 29th day of June year 2003 A.D

A handwritten signature in black ink, appearing to read 'J. Garang de Mabior', written over a horizontal line.

**Dr. John Garang de Mabior
Chairman
SPLM / CANS**