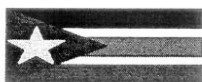


# JUDICIARY OF SOUTHERN SUDAN.



## SUPREME COURT

*Justice John Wuol Makec*  
*Chief Justice*

Our Refer:.....

Juba:12<sup>th</sup> July 2007

Your Refer:.....

## APPLICABLE LAW

### Judicial Circular No/1/2007.

Pursuant to Article 172(1) of the National Interim Constitution (NIC) and authority conferred by section 76, New Sudan Judiciary Act, 2003, on the Chief Justice (President of the Supreme Court of Southern Sudan), I issue the following guidelines to all the Courts in Southern Sudan:-

1. In a Criminal or Civil Suit whose cause of action arose:-
  - a) Before the 10<sup>th</sup> of July, 2005, within the SPLM controlled territory; or
  - b) On the 10<sup>th</sup> of July, 2005 within the territory of Southern Sudan:
    - (i) The Court or Judge shall apply existing relevant provision or laws of the New Sudan (Ref Article 226(5) of NIC).
    - (ii) The decision of the Supreme Court of Southern Sudan shall be final (Ref Article 174 of the (NIC)).
2. In a Criminal or Civil Suit whose cause of action arose before the 10<sup>th</sup> of July, 2005 within a territory controlled by the Sudan Government:-
  - (i) The Court or Judge shall apply the relevant National law(s), subject to review and decision by the National Supreme Court.

(ii) The Supreme Court of Southern Sudan shall make its decision on the suit before the National Supreme Court exercises its review jurisdiction.

3. In the suits referred to in (1, (a) and (b) above, if there is no relevant legal provision or applicable rule of procedure, or of sustentative law on the point, the Court or Judge shall act in accordance with the provisions of section 6 (1) and (2) of the New Sudan Civil Procedure Act, 2003.

(i) In this respect, application of the principles of justice, equity, good conscience and judicial precedents of the English Common Law may further require the Court or Judge to apply the provisions of:-

(ii) International Treaties and Conventions; and

(iii) The general principles of other different legal systems, provided they are in conformity with the local values or conditions in the Southern Sudan.

4. This Circular shall cease once the relevant law(s) of the Southern Sudan are enacted by the legislative Assembly of the Southern Sudan

**Justice John Wuol Makec**

President

Supreme Court of Southern Sudan (C.J).

Juba.

Date: 12<sup>th</sup>/July/2007.