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REPUBLIC OF SOUTH SUDAN



OFFICE OF THE CHIEF JUSTICE

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Date: 13th May, 2026

Official Working Language Of The Courts In The Republic Of South Sudan

Judicial Circular No. 1/2026

The Transitional Constitution of South Sudan 2011 (as amended) mandatorily provides that English shall be the official working language in the Republic of South Sudan, (see Article 6(2)). Under Article 3, the same Constitution provides for its supremacy, thereby asserting the principle that the Constitution is the highest law of the land, taking precedence over all other laws. This means that any law or conduct inconsistent with the constitution is considered invalid. In essence, all branches of government and their actions must conform to the constitution, which serves as the ultimate legal authority within a nation.

Prior to the Transitional Constitution, the Civil Procedure Act, 2007, provides for official language of the courts to be English and Arabic which clearly contradicts Article 6(2) of the Constitution as explained above. To this, suffice it to say that the latin maxim "Posterior Derogat Priori" is one of the most important principles in the field of statutory interpretation. It translates to "a later law repeals an earlier law". The maxim provides clearly when two laws, both validly enacted, come into conflict with one another. It directs that the more recent laws should take precedence, because it represents the latest intention of the legislature.

This principle has been accepted in almost every modern systems including India. It allows legal frameworks to remain relevant and ensures that older laws do not create confusion

when newer laws are introduced. Courts frequently use this maxim to interpret conflicting statutes.

Finally, South Sudan has domesticated the treaty of the East African Community with view to harmonize the laws of South Sudan with the laws of the Community under section 13 of the Treaty of East African Community Act, 2026 dated 22nd April, 2026.

In light of the foregoing, and in exercise of the powers vested in me under Article 127(1) (a) and (b) of the Transitional Constitution of the Republic of South Sudan, I do hereby issue Judicial Circular No. 1/2026 as hereunder:-

- 1) All judges in the Republic of South Sudan shall write their judgments in English with effect from 1st June, 2026 and within the period of six months from the date stated herein.
- 2) The Judiciary with the support of its partners shall in collaboration with School of Law, University of Juba, and any other Higher Education Institution recognized by the Ministry of Higher Education in South Sudan shall exert efforts towards this goal within available resources.
- 3) All judges are encouraged to take any opportunity of English language course or training seriously including improvement of their handwriting by way of self-fulfilment.
- 4) By January 2027, the Judiciary shall review progress of the implementation of this Judicial Circular with view to taking appropriate action with respect to those who will still be unable to write their judgments in English.

Issued under my hand and signature this 13th day of May, 2026.

Justice Dr. Benjamin Baak Deng
Chief Justice and President of the Supreme Court of South Sudan, Juba

