

# Confidential Annexure A

This Annexure contains the following three versions of the National Security Act:

**A1: First English version of the National Security Act**

**A2: Second English version of the National Security Act**

**A3: Arabic Version of the National Security Act**

**A1**

**In the Name of Allah, the Gracious, the Merciful**

## **The National Security Act 2009**

**Be it hereby passed, by the National Assembly, and assented to, by the President of the Republic, in accordance with the provisions of the Interim Constitution of the Republic of the Sudan, 2005, the following Act :-**

### **Chapter I**

#### **Preliminary Provisions**

##### **Title and commencement**

1. This Act may be cited as the, "National Security Act 2009", and shall come into force, as from the date of signature.

##### **Repeal and saving**

2. The National Security Act, 1999 shall be repealed; provided that all the regulations, rules and orders made thereunder, shall remain in force, until revoked, or amended.

##### **Establishment**

- 3.(1) The shall be established a national security organ to be known as "Security and naitonal Intelligence Organ".
  - (2) The organ is a disciplined national force, under the general supervision of the Presidency fot he Republic.
  - (3) The director shall be directly responsible for the administration of the Organ.

##### **The Message**

- 4.(1) The Security and Natioanl Intelligence Organ is a body to draw the attention of the competent state organs of occurrence or coming of an internal or external danger threatens the country or any part thereof whether war, invasion, seige, natureal catastrophe or

environmetnal or threatens its economical safety or democratic regime or social fabric , and spread tranquility among citizens.

- (2) The Organ and its service shall be professional and national reflecting equal representation of diversity in the Sudan.

### **Interpretation**

5. In this Act, unless the context otherwise requires, :-

“Organ”, means Security and the national Intelligence Organ established under section 3 ;

“Council”, means the National Security Council;

“Director”, means the Director-General of the Organ, who is appointed in accordance with the provisions of section 10;

"Dputies of Director-General", means the deputies of Director-General appointed under section 29;

“High Technical Committee”, means the High Technical Security Committee established under section 11;

"Secretariat", means the technical secretariat for committee of security of southern Sduan established under section 17;

"Security committee", means the security committee of southern Sduan or the States as the case may be established under the provisions of this Act;

“Collaborator,” means the person, employed by the Organ, other than by way of regular post, or permanently, in accordance with the provisions of this Act;

- “Senior officer”,** means the senior officer, or non-commissioned officer, in accordance with the disciplined seniority;
- “Member”,** means any person, who is appointed, in the service of the Organ, in accordance with the provisions of this Act;
- “Soldier”,** means any of the Organs soldiers, other than officers and non-commissioned officers.
- “Competent Prosecution Attorney”,** means the Head of Administration , who is appointed, by the Minister of Justice, to perform the tasks entrusted to him, under the provisions of this Act;
- “Deputy Director”,** means the Deputy Director, who is appointed, in accordance with the provisions of section 11;

### **Persons subject the provisions of this Act**

6. There shall be subject to the provisions of this Act :-
- (1) officers of the Organ;
  - (2) non-commissioned officers and soldiers of the Organ;
  - (3) any person, who is appointed, or seconded under the provisions of this Act;
  - (4) collaborators, where the Director decides the same;
  - (5) any other person, who is accused, as an accomplice, with any member of the Organ, of committing an offence, in accordance with the provisions of this Act.

## **Chapter II**

### **National Security Council, High Technical Committee, Security Committee of the South and States Committees**

#### **Establishment of the Council**

7.(1) There shall be established a supreme security council, to be known as the National Security Council, and composed of :

- |     |                                                                 |                       |
|-----|-----------------------------------------------------------------|-----------------------|
| (a) | President of the Republic                                       | Chairperson           |
| (b) | First Vice-President                                            | deputy chairperson    |
| (c) | vice-President                                                  | member                |
| (d) | Senior Assistant of the President                               | member                |
| (e) | Assistants of the President                                     | members               |
| (f) | Minister of Defence                                             | member                |
| (g) | Minister of Foreign Affairs                                     | member                |
| (h) | Minsiter of Finance                                             | member                |
| (i) | Minsiter of Interior                                            | member                |
| (j) | Minsiter of Justice                                             | member                |
| (k) | Minsiter of Internal Affairs in the South                       | member                |
| (l) | Minsiter of legal Affairs int eh South                          | member                |
| (m) | Minsiter of People's Army Affairs                               | member                |
| (n) | President of the Joint Defence Council                          | member                |
| (o) | director-General of Security and<br>National Intelligence Organ | member and rapporteur |

(2) The Chairperson of the council may invite any person to attend the Council meeting if he has relation with the subject of deliberations, but has no right to vote.

#### **Functions and powrs of the Council**

8.(1) The Council shall approve the strategies, plans, policies and directives of national security of the country, and undertake co-

ordination and general supervision of its implementation so as to guarantee the security and safety of the country.

- (2) Without prejudice to the generality of sub-section (1) the National Security Council shall have the following functions :
- (a) plan for the progress of the security plan of the country;
  - (b) generally supervise over the progress of security work;
  - (c) co-ordinate between security orgsns;
  - (d) follow-up the implementation fo programmes and plans of the security policy, and receive reports with respect thereto;
  - (e) approve the regulations organizing work of the council and its committees .

### **Meetings of the Council**

- 9.(1) The Council shall convene periodically four times annually.
- (2) The Chairperson of the council may call the same for an emergant convention at any time.
- (3) The rapporteur of the council shall prepare the agenda theretof in consultation with the chairperson of the Council .
- (4) The Council shall take its decsision by unanimity.

### **The rapporteur of the Council**

- 10.(1) The arapporteur of the Council shall be responsible for keeping the minutes, documetns and administrative affairs thereof.
- (2) The rapporteur of the Council shall prepare a report on the performance of the council once annually, or when the chairperson of the Council requires that from him, and submit the same to the council.

## **High Technical Security Committee**

### **Constitution fothe Committee**

11. There shall be constituted a committee to be known as the "High Technical Security Committee" as follows:
- (a) director-General of security and National Intelligence Organ Chairperson
  - (b) First Deputy of Director-General of Security and Naitonal Intelligence Organ Deputy Chairperson
  - (c) Director of Intelligence and security of Armed Froces Member
  - (d) Director-General of Sudan Police Member
  - (e) Director of Intelligence of People's Army Member
  - (f) Inspector-General of Police in the South member
  - (g) Under-Secretary, Ministry of Justice member
  - (h) Under –secretary, Minsitry of legal Affairs in the South member
  - (i) commander of Joint Integrated Units member
  - (j) An officer of the Organ as selected by The chairperson of the committee Rapporteur

### **Functions of High Technical Security committee**

- 12.(1) The Committee shall have competence to :
- (a) According to information available shall submit to the national Security Council proposals and recommendations in respect of incidents and situations relating to the internal and external security of the Sudan;
  - (b) Draw attention early of the National Security Council to direct or indirect threats whether political, military or economic ;
  - (c) Co-ordinate security plans for the different competent organs;
  - (d) Study the security plans presented by securtiy committees and the competent organs and submit the same to the Council for

approval, and follow-up the implementation and receive the reports with respect thereto;

- (e) Co-ordinate the business of security committees as to such security plans as the Council may lay down .
- (2) The Committee shall submit its technical reports to the Council during the period of convention of the same .

### **Meeting of the High Technical Security Committee**

- 13.(1) The committee shall convene upon call by the chairperson thereof at such date and place as may be specified thereby and the rapporteur of the same shall be one of the officers of the Organ, to be selected by the chairperson of the committee.
- (2) The Committee may call any such person as they deem fit to attend the meetings thereof.

### **Establishment of committee of Security of Southern Sudan**

- 14.(1) There shall be established in southern Sudan a committee to be known as the "Committee of Security of Southern Sudan" and shall consist of :
  - (a) President of Government of Southern Sudan                      Chairperson
  - (b) Vice-president of Government of Southern Sudan              Deputy-Chairperson
  - (c) Advisor of President of Southern Sudan for security Affairs                      member
  - (d) Minister People's Army Affairs                      member
  - (e) Minister of Internal Affairs                      member
  - (f) Minister of Finance and Economic Planning                      member
  - (g) Minister of Regional Co-operation                      member
  - (h) Minister of Legal Affairs and constitutional Development                      member
  - (i) Chief of general staff of people's Army                      member
  - (j) Inspector-General of Police in the South                      member
  - (k) commander of the Joint Integrated Units                      member

- (l) President of security body in southern Sudan member  
And rapporteur
- (2) The chairperson of the Committee may call any person to attend Committee meetings to give opinion on any matter before the committee; provided that he has no right to vote.

### **Functions of the Committee**

- 15.(1) The committee of security of Southern Sudan shall have all functions of the National Security Council mentioned in section 8 on the level of the southern Sudan within the framework of the strategies and security policies to be decided by the National Security Council.
- (2) The committee shall submit periodical reports to the National Security Council in respect of its performance , and information of decisions and recommendations thereof.
- (3) The committee of security of Southern Sudan shall have secretariat to be known as the "Technical Secretariat for Committee of Security of Southern Sudan.
- (4) The committee shall make internal regulations for organizing business and meetings thereof.

### **Meetings of the Committee**

- 16.(1) The committee of security of Southern Sudan shall convene periodical meetings.
- (2) The Chairperson of the committee may call for an emergent meeting at any time.
- (3) The rapporteur shall prepare the agenda in consultation with the chairperson.
- (4) The committee shall take its decisions by consensus.

### **Composition of Secretariat and Functions thereof**

- 17.(1) The Secretariat shall compose of representatives of security organs and the bodies constituting the committee and chaired by the rapporteur of the Committee.
- (2) The secretariat shall have the functions of the High Technical Security Committee in respect of Southern Sudan within the framework of strategies and security policies prescribed by the National Security Council.
- (3) Without prejudice to sub-section (2) above, the secretariat shall coordinate business of security committees in Southern Sudan States according to the approved plans and security programmes .
- (4) The chairperson of the Secretariat shall select a rapporteur for the secretariat.
- (5) The Secretariat shall convene upon call of its chairperson on date and place specified thereby, and it may call whoever it deems appropriate to attend its meetings.

### **Constitution of committee of security of the State**

- 18.(1) There shall be constituted in every state a committee of security of the State as follows :-

|     |                                                   |                          |
|-----|---------------------------------------------------|--------------------------|
| (a) | The Wali or the Governor of the State             | Chairperson              |
| (b) | Deputy wali or Deputy Governor                    | Deputy-Chairperson       |
| (c) | Advisor of security Affairs in the State (if any) | member                   |
| (d) | Minister of Local government in the State         | member                   |
| (e) | Minister of Finance in the State                  | member                   |
| (f) | Commander of the Armed Forces SPLA                | member                   |
| (g) | director of Police in the State                   | member                   |
| (h) | Commander Joint Integrated Units ( if any)        | member                   |
| (i) | Head of legal Administration                      | member                   |
| (j) | director of Security Administration               | member and<br>Rapporteur |

### **Functions and power of committee of security of the State**

- 19.(1) The Committee of security of the state shall be responsible for keeping security in the State.
- (2) Co-ordinate between the security organs on State level.
- (3) Receive reports from security committees in the localities and countries.
- (4) Submit periodical reports to the high Technical security Committee or the secretariat as the case may be.
- (5) Perform any business entrusted thereto by the Council or High Technical security Committee or secretariat as the case may be .
- (6) The Committee has the right to constitute technical team from security organs in the state to help it in its tasks or implementation of the business entrusted thereto .

### **Meetings of committee of Security of the State**

- 20.(1) The committee of security of the state shall convene periodical meetings.
- (2) The committee may call whoever it deems appropriate to attend any of its meetings whenever it sees necessary.

### **Constitution of Locality or Country Security committee**

- 21.(1) The Locality or country Security committee shall be constituted as follows :
- |     |                              |                       |
|-----|------------------------------|-----------------------|
| (a) | commissioner                 | Chairperson           |
| (b) | Military commander           | member                |
| (c) | Director of Police           | member                |
| (d) | Head of Legal Administration | member                |
| (e) | Head of security Unit        | member and rapporteur |

### **Functions of Locality or Country Security committee**

- 22.(1) Locality or country security Committee shall be responsible for keeping security in the locality or country.

- (2) co-ordinate between security organs on locality or contry level.
- (3) Submit periodical reports to the committee of security of the State.
- (4) any other matters entrusted thereto by the State security committee.

### **Meeting of Locality or country security committee**

- 23.(1) The committee shall convene periodical meetings.
- (2) The committee may call whoever it deems appropriate to attend any of its meetings if it sees the same necessary.

## **Chatper III**

### **Functions and powers of security and National interlligence Organ and Ranks of members**

#### **Functions of the Organ**

24. The Organ shall have competence as to the following :
- (1) Keep national security of the Sudan , protect its Constitution, its social fabric and safety of its Xitizens from any internal or external danger.
  - (2) Collect the information relating to national security analyse and evaluate the same, and recommend the necessary protection measures.
  - (3) research and inquiry necessary for detecting any situations , facts activities or elements as may by nature affect national security of the Sduan and its safety according to the provisions of this Act.
  - (4) Tender opinion, advice and consultation and services in the security fields and intelligence to the various organs of the State to achieve the security and safety of the cournty .
  - (5) Detect the dangers consequential to destructive activity in the fields of spying , terrorism conspiracy and sabotage .
  - (6) combating saboteur activities of organizations, groups , individuals, foreign states or Sudanese groups inside or outside the Sudan.
  - (7) Co-operate with similar or frendly orgsns in exchange of information and combating terrorism, such business as may threaten order and common security or any of the outside security fields.

**(8) Protect the important personalities and public utilities and secure towns in co-ordination with other regular forces.**

**(9) any such other functions assigned thereto by the President of the Republic or one of his deputies or the Council as may not be inconsistent with the Constitution .**

### **Powers of the Organ**

**25. The Organ shall exercise the following powers in accordance with the provisions of the law :**

- (a) requiring information, statements, documents or things from any person and peruse, keep or take such measures as may be essential or necessary with respect to the same;**
- (b) summoning, interrogation and taking depositions of persons;**
- (c) surveillance, inquiry and search;**
- (d) seizure of property in accordance with the law;**
- (e) custody and detention of individuals in accordance with section 50 of this Act.**

### **Ranks of members**

**26.(1) Ranks of officers in Security and National Intelligence Organ shall be as follows :-**

- (a) Security General;**
- (b) Security Lieutenant-General;**
- (c) Security Major-General;**
- (d) Security Brigadier;**
- (e) Security Colonel;**
- (f) Security Lieutenant-Colonel;**
- (g) Security Major;**
- (h) Security Captain;**
- (i) Security First Lieutenant;**
- (j) Security Lieutenant.**

**(2) Ranks of non-commissioned officers in Security and National Intelligence Organ shall be as follows :-**

- (a) Security Warrant Officer;**
- (b) Security Sergeant-Major;**
- (c) Security Sergeant;**
- (d) Security Corporal;**
- (e) Security Lance Corporal;**
- (f) Security Soldier.**

**Chapter IV**

**Management of the Organ**

**Appointment and functions of the Director**

**27.(1) The President of the Republic shall, after consultation in the Presidency of the Republic appoint a Director-General, for the Organ, and specify the emoluments and privileges thereof.**

**(2) The Director shall have competence, as to the following, to :-**

- (a) conduct all the technical and administrative matters relating to the Organ, or the members thereof . For the Same, he may issue such directions, orders and decisions, as may be necessary, for organizing the Organ, and the conduct of business thereat;**
- (b) secure the system of operations of the Organ, and care for the development, and promote the performance thereof;**
- (c) represent the Organ, and care for the relations thereof, with other bodies;**
- (d) submit periodical and emergent reports, and recommendations, to the Presidency of the Republic.**

**(3)The Director shall be responsible, to the Presidency of the Republic, for the execution of his functions, and performance of the Organ.**

**Appointment and functions of the First  
Deputy Director-General**

- 28.(1) The President of the Republic shall, after consultation in the Presidency of the Republic , appoint, a first Deputy Director, and specify the emoluments and functions thereof.
- (2) The first Deputy Director shall have competence, as to the following, to :-
- (a) exercise the functions of the Director, provided for in this Act, upon his absence;
  - (b) such as may be assigned thereto, by the Director, and execute the directions and orders thereof;
  - (c) assist the Director, in the co-ordination of the relations of the management of the Organ, and control the progress thereof.

**Appointment of Deputies of the Director**

- 29.(1) The President of the Republic shall after consultation in the Presidency of the Republic and upon the recommendation of the Director General appoint deputies of the Director General and specify their emoluments and privileges.
- (2) The Director General shall specify the Functions of the deputies.
- (3) The deputies shall assist the Director General in the administration of the Organ.

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30. The Director General , first deputy and deputies in leading the Organ, exercise their functions provided for in this Act shall act in spirit of colleague, consensus and consultancy.

### **Appointment of occupants of posts and functions thereof**

31. The Director General shall appoint occupants of post according to the approved post and organizational chart of the Organ, and the regulations shall specify the functions thereof.

### **Conditions of appointment of members**

32. There shall be required, of the person, to be appointed in the Organ, that he shall :-
- (1) be of Sudanese nationality.
  - (2) Of cinokete capacity .
  - (3) be characterized by propriety, honesty, straight morals and good reputation.
  - (4) have not been convicted of an offence inconsistent with honour and honesty.
  - (5) satisfy medical and scientific requirements.

### **Appointment of officers and other ranks**

- 33.(1) The President of the Republic shall, upon the recommendation of the Director General, appoint the officers, in accordance with the provisions of this Act, the regulations and orders made thereunder.
- (2) The Director shall appoint fit persons, to fill the vacant posts in the other ranks, in accordance with the provisions of this Act, the regulations and orders made thereunder.
- (3) There shall be deemed, to have been appointed, in accordance with the provisions of sub-section (1), or (2) , every person who has received, from the Organ, any money and not satisfy constitutions of appointment mentioned in section 32 .

### **The Oath**

- 34.(1) Each of the Director General and his deputies shall upon being appointed take an oath in the context set out in the Schedule hereto before the Presidency of the Republic.
- (2) Republic officers of the Organ shall take the same before the President of the Republic.
- (3) Members shall take the same oath before the Director General .

### **Appointment and permanent service of new officers**

- 35.(1) There shall be appointed, under probation, every new officer, for a period of two years, commencing, as from the date of issue of the appointment order, and the Director General may :-
- (a) decrease such period, by not less than one year, where the officer concerned is possessed of a similar good previous service, or scientific qualification of excellent grade , or of excellent performance;
  - (b) the officer concerned shall be dismissed, where his non-fitness for the service of the Organ transpires.
- (2) Every officer, who successfully spends the probation period, mentioned in sub-section (1), shall automatically be placed in the permanent service of the Organ.

### **Secondment of persons**

- 36.(1)(a) The director may second any person, to work in the Organ, upon the approval of the seconded person, and the body to which he belongs, for the period of two years, subject to renewal, after which the seconded person shall have the

option of being finally transferred, to the Organ, or returning to the body, from which he has been seconded.

- (b) he shall also second any member to any other body, in accordance with the regulations.
- (2) A seconded person shall be deemed, during the secondment period, as a member of the Organ, and there shall apply, to him, such as may apply to such members appointed in the Organ, as may be of his own rank.
- (3) Notwithstanding the provisions of sub-section (1), the Director may terminate the secondment of the seconded person, where the interest of work in the Organ requires the same; provided that the Director in this case, shall notify such person, and the body to which he belongs, thirty days before the date of termination of secondment, unless there are such grounds, as may require the final termination of the same .

### **Employment of persons as collaborators**

- 37(1) The Director may appoint any person, as collaborator in the Organ, as to such conditions, as he may specify, and in accordance with the regulations made under the provisions of this Act.
- (2) The Director may terminate the services of any collaborator, at any time; provided that he shall forthwith notify him of the same, and take such measures, as may be necessary for termination of the services thereof.

### **Transfer of members**

- 38.(1) The President of the Republic, or one of his deputies upon a recommendation therefor, by the Minister, may transfer any member, finally from the Organ, to any other disciplined force, or any organ of the public service organs.

- (2) The Director the president of the Republic or one of his deputies upon the recommendation fo the Director may transfer to the any employee of any disciplined force or any organ of the public service.

### **Seniority**

39. The Director shall keep lists of seniority of members, as to such manner, as the regulations may specify, which secure the secrecy thereof, and of the rights of such members.

### **Salaries, Emoluments and Privileges**

- 40.(1) The financial regulations shall specify salaries, emoluments and privileges of members as follows :-
- (a) the scale of the salaries and wages of members, and the grades of sealings thereof;
  - (b) the emoluments, privileges, increments and allowances, the conditions of granting the same, to members, and approval thereof in accordance with the approved budget of the Organ.
- (2) The Director shall approve the periodical increments of officers, and other ranks.
- (3) No salaries, wages or other entitlements , such as increments, allowances, emoluments, privileges of the members shall be attached, or set off, save for the satisfaction of a proved debt, to the Government, or execution of a Sharia judgement, passed by a competent court; provided that the same shall be within the limits of one-quarter.

### **Training**

41. The regulations shall specify such bases, principles, plans and levels, as may govern the programme of training the members.

### **Promotions**

- 42.(1) The regulations shall specify the conditions of promotion, and the manner of selection.**
- (2) Promotions of officers shall be approved by the President of the Republic, upon the recommendation of the Director.**
- (3) Promotions of other ranks shall be approved by a decision to be issued by the Director.**

### **Placement on disponibilite**

- 43.(1) The Director may place, on disponibilite , any of the officers, for a period not exceeding one year, for any of the following grounds :-**
- (a) the discharge of any of his duties, in an unsatisfactory manner;**
  - (b) where a medical committee decides that he has become non-fit for service, or being affected by such weaknes, as may affect his performance.**
- (2) The Director, before the termination of the period of disponibilite, provided for in sub-section (1), shall constitute a committee, to investigate the grounds of the order of placement, of the officer concerned, on disponibilite, and submit a recommendation with respect to returning him to service, or retiring him on pension .**
- (3) An officer placed on disponibilite, in accordance with the provisions of sub-Section (1) shall abide by :-**
- (a) being subject to the provisions of this Act regulations and orders made thereunder;**
  - (b) notifying his headquarters, of the place of his residence, and of any change, as may occur with respect to such place.**

### **Effect of placement on disponibilite**

- 44 Notwithstanding placement on disponibilite, in accordance with the provisions of section 43, of the officer :-
- (a) there shall be paid, two-thirds of his salary thereto; provided that such part of the salary shall be subject to deduction of pension;
  - (b) the period of disponibilite shall be calculated within the period of effective service;
  - (c) the Director may, in the light of the recommendation, presented by the committee of investigation, constituted in accordance with the provisions of section 43 , order that the officer shall be returned to service, or recommend to the President of the Republic to retired on pension.

### **Suspension from work**

- 45.(1) Where a charge of contravening the provisions of this Act, or any criminal proceedings have been instituted, against a member, the Director may issue a written order suspending him from work, where the same is in the interest of work; provided that the order of suspension, in respect of an officer of the rank of Lieutenant-Colonel and above, shall be the function of the Director alone, and he shall notify the officer concerned of the grounds of suspension.
- (2) In case the saspension is couneded with the Director or any fo his deputies the decision shall be issued by the president of the Republic .
- (3) Where the order of suspension, in accordance with the provisions of sub-section (1), has issued for a ground, other than institution of criminal proceedings, against the member concerned, investigation shall be conducted into the grounds of the issue of the order, and the fate of such member shall be determined, in the

light of the result of such investigation, whether by instituting proceedings against him, in accordance with the provisions of this Act, or revocation of the order.

- (4) The regulations shall specify the manner of suspension provided for in sub-section (1).

### **Grievance and complaint**

46. Any of the members may submit his grievance, or complaint, to the senior officer, in accordance with the regulations.

### **Termination of service**

- 47.(1) The service of an officer member shall be terminated, by a decision of the President of the Republic, upon the recommendation of the Director, for any of the following grounds :-

- (a) attaining retirement age;
- (b) acceptance of the resignation;
- (c) occupation of constitutional post
- (d) his removal from service, where his remaining in service has become undesirable;
- (e) loss thereby of one of the conditions of appointment; or capacity ;
- (f) passing of a judicial decree, by the Organ's court, of his dismissal;
- (g) passing of a judicial decree of imprisonment against him;
- (h) his death, or martyrdom,

- (2) The service of a member, from the other ranks, shall be terminated by the Director, for any of the following grounds :-

- (a) attaining retirement age;

- (b) termination of the contract of his service;**
- (c) occupation of a constitutional post;**
- (d) loss thereby of one of the conditions of appointment or capacity;**
- (e) his dismissal by a judicial penalty;**
- (f) acceptance of the resignation;**
- (g) his removal from service, where his remaining in service has become undesirable;**
- (h) his death, or martyrdom.**

### **Post-service benefits**

**48.(1) There shall apply, to members, with respect to post-service benefits, the provisions of the law which organizes the pensions of officers of the People's Armed Forces, in respect of officers, and the law which organizes the pensions of non-commissioned officers and soldiers of the People's Armed Forces, with respect to other ranks.**

### **Duties of the member**

**49.(1) Every member shall :-**

- (a) dedicate all his time and activity, to the discharge of all the duties, provided for in this Act, and the regulations and orders made thereunder, discharge, by himself, every such duty, or work, as may be assigned to him personally, thoroughly and honestly, bear the responsibility of such orders, as may be issued thereby, obey , at all times, within his duties, every legal order issued to him by the superior officer, and exert utmost his effort to execute the same;**

- (b) be an example, to others, in conduct, straight morals, fear of Allah, in work, preserve the dignity of his post, and follow, in all his acts, such conduct, as may be compatible with the respect due thereto;
  - (c) deem himself in service throughout the twenty four hours, reside in the station of his post, and not reside outside the same, save for reasons to be approved by the Director;
  - (d) preserve the dignity and integrity of the citizen , and have due regard, of his basic right and dignity work, to the duty of respect of an aged oldman, a scient, an infant and women.
- (2) No member shall :-
- (a) keep, for himself, the original of an official document, or any copy thereof, or extract such original, or copy out of the files wherein any of them is kept, even though such document relates to any such work, as may be assigned thereto;
  - (b) deliver any information, or disclose any such matters, as may by nature be secret, or deemed as such, under special instructions, unless he is licensed so to do;

### **powers of Members**

50.(1) Every member designated by the Director, by an order thereof, for the sake of executing the functions set out in this Act, shall have :-

- (a) any of the powers provided for in section 25;
- (b) the power of search, after obtaining a written order, from the Director;

- (c) the powers of a policeman, provided for in the police force law and the Criminal Procedure Act;
  - (d) exercise any legal powers necessary for the implementation of the Provisions of this Act;
  - (e) arrest or detention of any person suspected for a period not exceeding thirty days and notify relatives of such person forthwith;
  - (f) after expiry of the thirty days period mentioned above if there are reasons for remand of the person in custody, Organ authorities shall notify the competent prosecution attorney of such reasons to obtain his approval to renew arrest according to Criminal Procedure Act;
  - (g) if it transpires from the preliminary investigation that there is evidence against the suspect, the Organ shall deliver all the documents and the accused to the Prosecution Bureau to complete the procedure. In case of non-existence of evidence the Organ shall discharge the suspect forthwith;
  - (h) in case of delivery of the accused according to paragraph (g) above the Prosecution Bureau shall, according to its powers in Criminal Procedure Act, take the procedure it thinks appropriate;
  - (i) if the Prosecution Bureau does not complete the investigation according to Criminal Procedure Act, it may extend the period of arrest of the accused by an order from the court in accordance with the same Act.
- (2) For the purposes of this section, the Organ shall observe the provisions of Article 33 of the Interim Constitution of the Republic of the Sudan 2005.
- (3) The Director shall issue the standing orders necessary for regulating exercise of the powers mentioned in sub-section (1) above.

- (4) Any member sustained injury during exercising of his duties in the Organ, may institute a suit against the Organ if such member has not been compensated by the Organ previously.
- (5) any person sustained injury by conduct of the Organ or its members during exercising their duties, may institute a suit against the Organ if such person has not been compensated previously.

**Rights of the detained, arrested**  
**or confined person**

- 51.(1) A person shall be informed, upon his being detained, arrested or confined, of the grounds demanding the same.
- (2) A detained, arrested or confined person shall have the right to inform his family, or the body, to which he belongs, of his detention and be allowed to communicate with his family, and his advocate where the same does not prejudice the progress of interrogation, inquiry and investigation of the case.
- (3) A detained, arrested or confined person shall be treated, in such way, as may preserve the dignity of the human being, and shall not be hurt physically, or morally and regulations shall specify keeping and delivery his belongings.
- (4) The arrested person shall have the right to obtain for cultural materials and clothes at his own expenses subject to security circumstances and system of custodies.
- (5) Arrested women shall be kept in the custodies of women only and be treated humanly as women.
- (6) Family of arrested person shall be allowed to visit him according to the regulations organizing the same.
- (7) Arrested person shall have the right of medical care .
- (8) The competent Prosecution Attorney shall continuously inspect custodies of detained persons to insure the abidance by the

safeguards of detention, and receive any complaint from a detained person in his respect .

### **Immunity of member and collaborators**

52. Members and collaborators shall have the following immunities :
- (1) It shall not be deemed offence any act of any member done in good faith during or by reason of performing his job or performing any duty imposed on him, or act based on delegated or granted power by this Act or any other Act in force, regulations or order made thereunder; provided that such act is within the limits of the business or duties imposed according to the power delegated under this act.
  - (2) No member or collaborator shall be compelled to deliver any information about the conditions or activities of the Organ or such business as he may have obtained in the course of discharging his duty, save with a decision of the court.
  - (3) Without prejudice to the Provisions of this Act, and without affecting any right to compensation against the Organ , no civil or criminal proceedings shall be instituted against a member or collaborator for any act save upon approval of the Director, and the Director shall grant this approval whenever it transpires that the subject of responsibility is not connected with official work, provided that the trial of any member or collaborator before a criminal court shall be secret, during service or after the termination of service as to such act in connection with his official work.
  - (4) Subject to section 46 of this Act, and without affecting any right to compensation against the Organ, no civil or criminal proceedings shall be instituted against the member on any act connected with his official work, save upon approval of the Director, and the Director shall grant this approval whenever it transpires that the subject of responsibility is not connected with the business of the Organ.

- (5) There shall be secret every trial before an ordinary court of any member during service or after the termination thereof as to such act as may have been done thereby in connection with his official work, unless the court decides otherwise.
- (6) The collaborators shall enjoy the same immunities provided for in this section.

### **Attachment Prohibited**

- 53. Immovables and movables of the Organ may not be attached save with a judicial judgement.

## **Chapter VI**

### **Offences, Penalties, Contraventions, Sanctions**

#### **Offences and Penalties**

#### **The extent of application of the provisions of the Criminal Act to members**

- 54.(1) Where a member commits an offence, in contravention of this Act, and the offence committed is, at the same time, an offence in accordance with the provisions of the Criminal Act, 1991, the said member shall be tried, under the provisions of this Act, and the Director, for objective reasons, may commit him to be tried before criminal courts.
- (2) Subject to the provisions of sub-section (1), the provisions of the Criminal Act shall apply to members, in case of commission thereby, of any offence, in contravention thereof, as may not be provided for in this Act.

#### **Penalty of offences relating to the enemy**

- 55.(1) There shall be punished, with death, or life imprisonment, every member, who commits any of the following acts, to :-

- (a) abandon, or surrender disgracefully any post, station or place of custody, the defence of which is his duty;
  - (b) lay, or surrender disgracefully his weapon, ammunition, instruments or equipment, in the presence of the enemy;
  - (c) convey, to the enemy, directly, or indirectly, any news relating to the security of the country, or help him, directly, or indirectly to obtain the same;
  - (d) neglect the immediate report, to his superior, or any other senior officer, such as have come to his knowledge, or knows of acts, correspondence or direct, or indirect connections effected by any person, with the enemy.
- (2) For the purpose of this section enemy is natural or corporate person in state of war with the country or threatens it security or doing saboteur or terrorist acts against the state.

### **Penalty of the offences of conspiracy and mutiny**

56. There shall be punished, with death, or life imprisonment, every member, who commits any of the following acts, to :-
- (a) attempt to conspire, with any other members, to mutinize, provoke, participate into or cause the same;
  - (b) be present, at any mutiny, and not to exert his utmost effort to suppress the same;
  - (c) know, or have reason to believe, that a mutiny, or an intent to commit the same, or any conspiracy, against the existing constitutional system of the country, and not report the same.

**Penalty of exposing the internal or external security  
of the country, or the Organ to danger**

57. There shall be punished, with death, or life imprisonment, every member, who voluntarily commits an act, or omits to perform the same, with intent to expose the internal, or external security of the country, or the Organ, to danger.

**Penalty of negligence in the discharge of duty**

58. There shall be punished, with imprisonment, for a term not exceeding ten years, or with fine, or with both, every member, who commits any of the following acts, to :-

- (a) neglect the immediate report, to his superior, or any senior officer, such information, relating to the functions of the Organ, as has come to his knowledge;
- (b) seriously neglect, or forego any of the duties provided for in this Act.

**Penalty of abuse of exercising powers  
and exploitation of post**

59. There shall be punished, with imprisonment, for a term, not exceeding ten years, or with fine, or with both, every member, who abuses the exercise of the powers conferred upon him, under the provisions of this Act, or exploits his post, in the Organ, with intent to achieve material, or moral benefit, for himself, or others, or causes injury to others.

**Penalty of obtaining unlawful gain and  
delivering false statement**

- 60 There shall be punished, with imprisonment, for a term, not exceeding ten years, or with fine, every member, who commits any of the following acts, to :-
- (a) obtain, for himself , or others, any increment, pension, benefit or privilege, through delivering such statements, as may be false, or he believes that they are not true;
  - (b) deliver, voluntarily, to any person, or competent body, a false statement, or report, about the number of any members, under his command, or responsibility, or about their condition, or the amount of any property, instruments, accoutrements, equipment, machinery, clothes, weapons or ammunitions, under his custody, whether such property, instruments, clothes, weapons or ammunitions belong to such members, the Organ, or any person attached thereto, or voluntarily omit the sending of a statement, or report with respect to any of the said things, or refuse to send the same.

**Penalty of accepting unlawful  
benefit and consideration**

61. There shall be punished, with imprisonment, for a term, not exceeding five years, or with fine, every member, who accepts directly, or indirectly any benefit, or consideration, whether for himself, or others, or obtains such benefit, or the said consideration, or agrees to the same, in consideration of accepting any person, in the service of the Organ, or leniency in accepting any instruments, accoutrements, machinery, clothes,

weapons or ammunitions, for an administration, under his control .

**Penalty of disposal of weapons, ammunition  
and other accoutrements**

62. There shall be punished , with imprisonment, for a term, not exceeding ten years, or with fine, or with both, every member, who disposes, or permits the disposal, without justification, of any weapons, ammunition, instruments, accoutrements, equipment, machinery or clothes, which have been entrusted, to him, for use thereof, in the discharge of his duties, or under his trust, or custody.

**Penalty of property offences**

63. There shall be punished, with imprisonment, for a term not exceeding ten years, or with fine, every member, who commits any of the following acts, to :-
- (a) misappropriate, or convert, for his own benefit, any property, instruments, accoutrements or equipment, entrusted to him;
  - (b) receive, with intent to keep for himself , any money, property, instruments, accoutrements or equipment;
  - (c) appropriate any property, with respect to which theft has been committed, or keep the same, while he knows, or has reason to believe that they are such;
  - (d) cause damage to any property belonging to the Organ, or voluntarily, or negligently destroy, or dispose of them, in any of such ways of disposal, as may transfer property, or lose the same.

### **Penalty of offences relating to custody**

64.(1) There shall be punished, every member, who commits any of the following acts, with the same penalty of the offence arrest is made of member or person :-

(a) refuse to deliver any arrested, or confined person, or the keeping of whom has been entrusted to him, in the course of discharge of the duty of custody, to any official body, for whom the law permits to receive him;

(b) release any person, under his custody, without a lawful order therefor, or neglect, in such way, as may enable such person to escape.

(2) There shall be punished with imprisonment for a term not exceeding five year any member placed in custody and escape terefrom.

### **Penalty of conduct inconsistent with discipline**

65. There shall be punished, with imprisonment, for a term, not exceeding five years, every member, who commits any such act, as may be deemed, in accordance with the regulations and orders, made under the provisions of this Act, as being in contravention of discipline.

### **Penalty of false accusation and statements**

66. There shall be punished, with imprisonment, for a term, not exceeding five years, every member, who commits any of the following acts, to :-

(a) launch any false accusation, against any other member;

- (b) maliciously deliver, upon presenting any complaint, any false statements, with respect to any fact, or conduct relating to any other person, or member of the Organ, or voluntarily refrain, from presenting any material information, in such respect.

### **Penalty of desertion**

- 67.(1) There shall be punished, with imprisonment, for a term not exceeding five years, or with fine, or with both, every member, who deserts; provided that such penalty shall not prejudice any sanction, to which he may be subject, under the provisions of this Act.
- (2) For the purposes of sub-section (1), there shall be deemed a deserter, every member, who absents himself, from the place of his work, or does not report, after the termination of his leave, without acceptable excuse , where the period of his absence exceeds twenty one days.

### **Penalty of use of criminal force against superiors and maltreatment of subordinates**

- 68. There shall be punished, with imprisonment, for a term, not exceeding three years, or with fine, or with fine, or with both, every member, who uses force, against :-
  - (a) his superior officer, assaults him, or attempts the same, during, or outside service, while he knows, or has reason to believe that he is his superior officer;
  - (b) any of his subordinates, assaults him, or attempts the same.

### **Penalty of offences relating to the Organ's court**

69. There shall be punished, with imprisonment, for a term, not exceeding two years, or with fine, every member, who commits any of the following acts, to :-

- (a) voluntarily refrain from appearance, after his being officially summoned, to testify, before the court, refuse taking the oath, deliver any statement, answer any question, produce any document, or other thing, or deliver the same, upon being required so to do;
- (b) deliver, after taking the oath, as a witness, or upon being interrogated, before the Organ's court, or any other competent court, authorized to administer the oath, or interrogate, any false statements, while he knows, or has reason to believe that they are false;
- (c) voluntarily direct, in the Organ's court, during its session, any insult, cause any disturbance, or nuisance therein, or use any word, signal or mark, in the same, intending thereby, threat, disrespect, or show of violence and disobedience before it.

#### **Penalty of shameful and improper conduct**

70. There shall be punished, with dismissal, or fine, every member, who acts in a conduct which is shameful, or incompatible, with the dignity of his post, and the respect due therefor.

#### **Penalty of abetment and compulsion of commission of offences**

71. Every member, who abets, , or compels any other member to commit any of the offences, provided for in this Act, shall be punished , with the same penalty prescribed for committing the offence, for the commission of which, he has abetted, or compelled the other member.

## **Branch II**

### **Contraventions and Sanctions**

#### **Contraventions**

- 72.(1) There shall be deemed, to have committed a contravention, and the sanctions set out in section 73 shall be inflicted upon him, every member who commits any of the following acts, to :-
- (a) be tardy, as to service, work or roll call, of which he has knowledge;
  - (b) fail to discharge his duty, in the best possible way;
  - (c) leave the station of work, without permission therefor;
  - (d) deliver any false information, about any work entrusted to him;
  - (e) hesitate to obey orders, or argue the same;
  - (f) neglect to obey any general standing order, to be made in accordance with the provisions of this Act;
  - (g) contravene discipline;
  - (h) destroy negligently any property, instruments, accoutrements, equipment, machinery or clothes under his trust, or used in the Organ, or cause damage, or loss thereto, in the same manner;
  - (i) malingering, or voluntarily prolong the treatment of such disease, as may affect him.
- (2) There shall be deemed, to have committed a contravention, and the sanction shall be inflicted upon him, for commission thereof, under the provisions of section 64, every member, who abets, or compels any other member to commit any of the contraventions, provided for in sub-section (1).

#### **Sanctions**

**73. Any of the following sanctions may be inflicted upon every member, who commits any contravention under section 72, as follows :-**

**(a) in respect of officers :-**

- (i) written advice;**
- (ii) simple reprimand;**
- (iii) severe reprimand;**
- (iv) deprivation of increment;**
- (v) deprivation of the basic salary, for the period of absence without permission therefor;**
- (vi) deprivation of seniority for a period, not exceeding one year;**
- (vii) demotion;**
- (viii) dismissal;**
- (ix) expulsion;**

**(b) in respect of other ranks :-**

- (i) simple reprimand;**
- (ii) severe reprimand;**
- (iii) extra duty;**
- (iv) deprivation of the basic salary, for a period, not exceeding seven days, or for the period of absence, without permission,**
- (v) warning with dismissal;**
- (vi) detention in the barracks, for a term not exceeding twenty eight days;**
- (vii) confinement, for a term , not exceeding twenty eight days;**
- (viii) demotion;**
- (ix) dismissal;**
- (x) expulsion;**

## **Chapter VII**

## **Courts of the Organ**

### **Establishment of Organ's courts**

**74. There shall be established two courts at the Organ :-**

- (1) a summary court, for trial of offences and contraventions, set out in this Act. ;**
- (2) a non-summary court, for trial of offences set out in sections 54-67 of this Act.**

### **Constitution of the Organ's Court**

- 75.(1) (a) The Organ's summary court shall be constituted of one officer, by the order of the Director; provided that he shall be of a higher rank than the accused;**
- (b) the Organ's non-summary court shall be constituted of three officers and a judge-advocate, by order of the Director; provided that the president of the court shall be of a higher rank than the accused, and the other two members of the same rank, or higher than the rank of the accused; provided further that in the offences punishable by death, the rank of the president of the court shall not be less than the rank of Security Colonel.**
- (2) In the offences punishable by death, the approval of the President of the Republic shall be obtained, for the constitution of the court, by order of the Director after the approval of the President of the Republic .**
- (3) The accused shall have the right to be assisted by an advocate or friend .**

### **Procedure of courts**

- 76.(1) Non-summary courts constituted under the provisions of this Act, shall follow, in the trial procedure, the procedure provided for in the Criminal Procedure Act.**
- (2) The Minsiter of Justice or Minsiter of legal Affairs and Constitutional Development, as the case may be shall be notified**

before taking any procedure against a person not member for his charge jointly in an offence committed by member or more .

### **Confirmation of the Organ's court judgements**

77.(1) There shall be confirmed the judgements of the Organ's :-

- (a) summary courts, by the first Deputy Director, where the term of imprisonment passed exceeds twenty eight days;
  - (b) non-summary courts, which try the members of the rank of :-
    - (i) Colonel, and below, by the first Deputy Director;
    - (ii) Brigadier, and above, by the Director.
- (2) The Director shall submit the judgements, passed by non-summary courts, of death, to supreme court for revision, then to the President of the Republic, for confirmation.
- (3) Judgements of the Organ's courts of both types shall be final, after confirmation by the confirming authority mentioned in sub-sections (1) and (2) , as the case may be.
- (4) Except offences punishable with death or life imprisonment the rules shall specify the procedure of confirming the judgements of the Organ's courts of both types.

### **Appeal**

- 78.(1) An appeal court shall be constituted by order of the Director to review the judgements to be passed by Organ's courts according to the procedure to be specified by the regulations.
- (2) The Director shall confirm the judgements passed by the appeal court.

### **Clemency petition**

- 79.(1) Any member, who is convicted before any of the Organ's courts of both types, upon whom the penalty, or sanction has been

inflicted accordingly , may present a petition for clemency, to the President of the Republic, the Minister, the Director, or first Deputy Director, as the case may be, and any of them may issue his decision, after examining the trial papers, either to commute, or remit the penalty, or sanction, or reject the clemency petition; provided that he shall show the grounds thereof.

- (2) The rules shall specify the procedure of presenting the clemency petition.

### **Execution of the judgements of the Organ's courts**

80. Judgements of the Organ's courts, of both types, shall be executed with respect to the penalty of :-
- (a) fine, in accordance with the provisions of the Criminal Procedure Act;
  - (b) imprisonment for a term :-
    - (i) not exceeding twenty eight days, in the military prison;
    - (ii) exceeding twenty eight days, in the public prisons;
  - (c) death, in the public prisons.

### **Chapter VII**

#### **Financial Provisions**

#### **Budget of the Organ**

- 81.(1) The Organ shall have an independent budget, to be prepared, in accordance with sound accountancy bases.
- (2) The Director shall prepare the proposals of the Organ's annual budget, and submit the same, to the President of the Republic for endorsement, and include the same in the general budget.

- (3) The Director shall be responsible for implementation of the budget approved to the Organ in accordance with this Act, and the regulations made thereunder.

### **Audit of accounts**

- 82.(1) The General Audit Chambers shall audit the accounts of the Organ, and present a report thereon, to the Presidency of the Republic.
- (2) Without prejudice to the generality of the foregoing, the General Audit Chambers shall not demand to audit the account pertaining to security work.

## **Chapter VIII**

### **Final Provisions**

#### **Duty to assist**

83. All official authorities and all the citizens shall tender such assistance, as may be required, and such aid, as may be necessary, to members of the Organ, in the course of excuting the functions thereof set out in this Act.

### **Power to make general or standing orders**

84. The Director may make such general and standing orders, as may be binding to members, in the following matters :-
- (a) the good management of :-
    - (i) the members and the welfare thereof;
    - (ii) the offices, accomodation, training centres and any other premises, as may be used by the Organ;
  - (b) training and qualification;
  - (c) organization of the general affairs of members;
  - (d) clothes, accoutrements and instruments.

### **Power to make regulations**

**85. The Organ may make such regulations, as may be necessary, for the implementation of the provisions of this Act. Without prejudice to the generality of the foregoing, such regulations may include the following matters :-**

- (a) terms of service,**
- (b) bases of promotion, transfers and rules of leaves;**
- (c) development of the Organ, the style of the work, organizational and functional charts thereof;**
- (d) specification of the type of such weapons, ammunitions and clothes, as may be used;**
- (e) rules of conduct of members;**
- (f) the system of expenditure and purchases;**
- (g) organizing treatment of detainees;**
- (h) relationship of the Organ with the public.**

### **The Oath**

**“( I ..... , having been appointed Director of the Organ, Deputy Director deputy director, officer or member working in the Organ) swear, by Almighty Allah, and solemnly declare, that my devotion shall be to Allah, then to the country and service of the people, to preserve and respect the Constitution and the law, dedicate my time and power, throughout the period of my service, in obedience to Allah, and discharge of my duties placed upon my shoulders, under the National Security Act, 2009, or any other law in force, diligently and honesty, to protect the internal and external security of the Sudan, obey my superiors, preserve the secrets of the Organ, and not to waste such information, as I have obtained, whatever the source thereof may be, not to disclose any secret I bear, or know, in the course of my service at the Organ, or after my leaving work thereat, where the same is required by preservation of the safety and security of the State, and abide by this oath, even though the same leads to sacrifice my life, and Allah, to what I say, it the Witness .”**

**A2**

## National Security Act, 2010

In accordance with the provisions of the National Interim Constitution of the Republic of the Sudan 2005, the National Assembly has passed and the President of the Republic has approved the following Act:

### Chapter I

#### Article (1)

##### Preliminary Provisions

##### Title and Commencement

This Act may be cited as the “National Security Act, 2010”, and shall come into force as of the date of its signature.

#### Article (2)

##### Repeal and Saving

The National Security Act, 1999 shall be repealed, provided that all procedures, regulations and orders made thereunder shall remain in force, until revoked or amended.

#### Article (3)

##### Establishment

1. There shall be established a national security body to be known as the “National Security Service”.
2. This body shall be a national regular force working under the general supervision of the Presidency of the Republic.
3. The Director of the National Security Service shall directly be responsible for the administration of the body.

#### Article (4)

##### Mission statement

1. The National Security Service shall be charged with alerting the State competent bodies as to the occurrence or existence of imminent internal or external threat jeopardizing the country or any part thereof whether by way of war, invasion, siege, natural or environmental disaster or jeopardizing its economic situation, democratic system or social fabric, and shall see to restoring peace and tranquility among the citizens.
2. The service rendered by the body shall be national and professional reflecting fair representation, diversity and multiplicity of the Sudan.

#### Article (5)

##### Interpretation

3. In this Act, unless the context requires otherwise, the following terms and expressions shall have the meanings set opposite each of them:

|                                |                                                                                                                                                                                                                                                    |
|--------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| NSS                            | The National Security Service established in accordance with the provisions of Article 3 of this Act.                                                                                                                                              |
| Council                        | The National Security Council established in accordance with the provisions of Article 7 of this Act.                                                                                                                                              |
| Director                       | NSS Director appointed in accordance with the provisions of Article 27 of this Act.                                                                                                                                                                |
| First Deputy Director          | The First Deputy of the Director appointed in accordance with the provisions of Article 28 of this Act.                                                                                                                                            |
| Deputies Director              | The Deputies of the Director appointed in accordance with the provisions of Article 29 of this Act.                                                                                                                                                |
| Higher Technical Committee     | The Higher Technical Committee established in accordance with the provisions of Article 11 of this Act.                                                                                                                                            |
| Technical Committee            | The South Sudan Committee established in accordance with the provisions of Article 17 of this Act.                                                                                                                                                 |
| Security Committee             | South Sudan Committee or the Security Committee at the state level, as the case may require, established in accordance with the provisions of this Act.                                                                                            |
| Competent Prosecutor           | The legal advisor appointed by the Minister of Justice or the Minister of Constitutional Development and Legal Affairs in GOSS, as the case may require, to perform the functions delegated thereto in accordance with the provisions of this Act. |
| Officer                        | Any NSS officer starting from Lieutenant up to General as specified in Article 26(1) of this Act.                                                                                                                                                  |
| Non-commissioned Officer (NCO) | Any NSS member starting from lance corporal up to warrant officer.                                                                                                                                                                                 |
| Other ranks                    | NSS ranks as specified in Article 26(2).                                                                                                                                                                                                           |
| Competent Court                | The Constitutional Court or any national judiciary courts, as the case may require, and according to the reason and nature of the case.                                                                                                            |
| NSS Court                      | Any of NSS courts established in accordance with Article 75.                                                                                                                                                                                       |
| Prosecutor                     | The legal officer appointed by the Director in non-summary trial.                                                                                                                                                                                  |
| Senior Officer                 | Highest ranking officer or NCO according to regular force seniority.                                                                                                                                                                               |
| Member                         | Any person employed by NSS in accordance with the provisions of this Act.                                                                                                                                                                          |
| Private                        | Any NSS soldier who is not officer or NCO.                                                                                                                                                                                                         |
| Associate                      | Any person employed by NSS but not in a regular or full time job in accordance with the provisions of this Act.                                                                                                                                    |

## Article (6)

### Scope of Application

The following shall be subject to the provisions of this Act:

1. NSS officers.
2. NSS NCOs and soldiers.
3. Any person appointed or seconded by virtue of the provisions of this Act.
4. Associates if the Director decided so in accordance with the regulations.
5. Any other person accused of being involved with any other NSS member in committing a crime pursuant to the provisions of this Act.

## Chapter II

The National Security Council, the Higher Technical Committee,

The South Sudan Security Committee and the States Committees

## Article (7)

### Establishment of the Council

1. There shall be established a higher Security Council to be known as the National Security Council as follows:

|                                                               |                       |
|---------------------------------------------------------------|-----------------------|
| The President of the Republic                                 | Chairperson           |
| First Vice President of the Republic                          | Deputy Chairperson    |
| Vice President of the President of the Republic               | Member                |
| Senior Assistant to the President of the Republic             | Member                |
| Assistants of President of the Republic                       | Members               |
| Advisor of the President of the Republic for Security Affairs | Member and Rapporteur |
| Minister of Defense                                           | Member                |
| Minister of Foreign Affairs                                   | Member                |
| Minister of Finance                                           | Member                |
| Minister of Interior                                          | Member                |
| Minister of Justice                                           | Member                |
| Minister of Internal Affairs in GOSS                          | Member                |
| Minster of Legal Affairs in GOSS                              | Member                |
| Minister of SPLA Affairs                                      | Member                |
| Chairperson of the Joint Defense Council                      | Member                |
| NSS Director                                                  | Member                |

2. The Chairperson of the Council may invite any person to attend the Council meetings if this person has relation with the subject of the meeting, provided that such invitee may not vote in deciding any matter.

## Article (8)

### Competences and Powers of the Council

1. The Council shall approve the country national security strategies, plans and policies. It shall be charged with the coordination and general supervision of their progress in a manner that ensures security and stability of the country.
2. Without prejudice to the generality of Para (1) above, the National Security Council shall:
  - (a) Draw up the security policy of the country.
  - (b) Generally supervise progress of the security work.
  - (c) Coordinate between security bodies.
  - (d) Follow-up implementation of the security policy plans and receive report in this respect.
  - (e) Adopt regulations organizing business of the Council and its Committees.

## Article (9)

### Council Meetings

1. The Council shall convene regular meetings four times a year.
2. The Chairperson of the Council may invite the Council to an extraordinary meeting at any time.
3. The Council Rapporteur shall set the Council meetings agenda in consultation with the Council Chairperson.
4. The Council shall take its decisions by consensus.

## Article (10)

### Council Rapporteur

1. The Council Rapporteur shall be responsible for keeping the Council minutes, documents and administrative affairs.
2. The Council Rapporteur shall prepare a report on the Council performance once a year or whenever the Council Chairperson requires so and shall submit the same thereto.

### Higher Technical Security Committee

## Article (11)

### Committee Formation

1. There shall be established a Committee to be known as the “the Higher Technical Security Committee” as follows:

|                                                                                     |                       |
|-------------------------------------------------------------------------------------|-----------------------|
| a. NSS Director                                                                     | Chairperson           |
| b. NSS First Deputy Director                                                        | Deputy Chairperson    |
| c. Director of Intelligence and Security Department in the Armed Forces             | Member                |
| d. Sudan Police Director General                                                    | Member                |
| e. Director of Intelligence Department in SPLA                                      | Member                |
| f. South Sudan Police Inspector General                                             | Member                |
| g. Ministry of Justice Under-Secretary                                              | Member                |
| h. Ministry of Constitutional Development and Legal Affairs Under-Secretary in GOSS | Member                |
| i. JIU Commander                                                                    | Member                |
| j. One of NSS officers elected by the Committee Chairperson                         | Member and Rapporteur |

#### Article (12)

##### Competences of the Higher Technical Security Committee

1. The Committee shall be competent to:
  - (a) Submit to the National Security Council, on the basis of the information available, proposals and recommendations on the events and situations related to Sudan internal and external security.
  - (b) Draw, as early as possible, the National Security Council attention to direct or indirect threats be they political, military or economic.
  - (c) Coordinate security plans of the different competent security bodies.
  - (d) Study and security plans presented by Security Committees and competent bodies and submit the same to the Council for approval, follow-up of their implementation and receiving reports in relation thereto.
  - (e) Coordinate between the businesses of the security committees in accordance with the security plans laid down by the Council.
2. The Committee shall submit its technical reports to the Council during its session.

#### Article (13)

##### Meetings of the Higher Technical Security Committee

1. The Committee shall convene at an invitation from its Chairperson at the date and place specified by him. Its Rapporteur shall be one of NSS officers selected by the Committee Chairperson.
2. The Committee may invite whoever it deems fit for attending its sessions.

## Article (14)

### Establishment of South Sudan Security Committee

1. There shall be established a Committee to be known as "South Sudan Security Committee" as follows:

|                                                              |                       |
|--------------------------------------------------------------|-----------------------|
| (a) President of GOSS                                        | Chairperson           |
| (b) Vice President of GOSS                                   | Deputy Chairperson    |
| (c) Advisor of GOSS President for Security Affairs           | Member                |
| (d) Minister of SPLA Affairs                                 | Member                |
| (e) Minister of Interior Affairs                             | Member                |
| (f) Minister of Finance and Economic Planning                | Member                |
| (g) Minister of Regional Cooperation                         | Member                |
| (h) Minister of Constitutional Development and Legal Affairs | Member                |
| (i) SPLA Chief of Staff                                      | Member                |
| (j) South Sudan Police Inspector General                     | Member                |
| (k) JIU Commander                                            | Member                |
| (l) Director of South Sudan Security Department              | Member and Rapporteur |

2. The Chairperson of South Sudan Security Committee may invite any person to attend the Committee session/sessions in order that he/she gives his/her opinion with regard to any issue under consideration by the Committee, provided that this person shall not have the right to vote.

## Article (15)

### Competences of South Sudan Security Committee

1. The South Sudan Security Committee shall have all the competences of the National Security Council specified in Article (8) of this Act, within the scope of South Sudan in the context of security strategies and policies decided by the National Security Council.
2. The South Sudan Security Committee shall submit regular reports to the National Security Council on its performance and implementation of the Council decisions and recommendations.
3. The South Sudan Security Committee shall have a Secretariat to be known as the Technical Secretariat of South Sudan Security Committee.
4. The South Sudan Security Committee shall issue a bylaw organizing its businesses and meetings.

## Article (16)

### Meetings of South Sudan Security Committee

1. The South Sudan Security Committee shall convene regular meetings.
2. The Committee Chairperson may invite the Committee to an emergency meeting at any time.
3. The Committee Rapporteur shall prepare the Committee agenda in consultation with the Committee Chairperson.
4. The Committee shall take its decisions by consensus.

## Article (17)

### Formation and Competences of the Technical Committee

1. The Technical Committee shall be formed of representatives of the security bodies as well as the entities forming South Sudan Security Committee. It shall be presided over by the Rapporteur of South Sudan Security Committee.
2. The Technical Committee shall have the same competences of the Higher Technical Committee, within the scope of South Sudan and in the context of security strategies and policies decided by the National Security Council.
3. Without prejudice to Para (2) above, the Technical Committee shall coordinate the businesses of the different states security committees in accordance with the approved security plans and programmes.
4. The Technical Committee Chairperson shall nominate its Rapporteur.
5. The Technical Committee shall convene upon an invitation by its Chairperson at the date and place specified by him/her. The Technical Committee may invite whoever it deems fit to attend its sessions.

## Article (18)

### Establishment of the State Security Committee

1. There shall be established in each state a Security Committee as follows:

|                                                 |                    |
|-------------------------------------------------|--------------------|
| (a) State Wali or Governor                      | Chairperson        |
| (b) Deputy Wali or Deputy Governor              | Deputy Chairperson |
| (c) State Advisor for Security Affairs (if any) | Member             |
| (d) Minister of Local Government in the State   | Member             |
| (e) Minister of Finance in the State            | Member             |
| (f) Commander SAF/SPLA as the case may be.      | Member             |
| (g) Police Director in the State                | Member             |

- |                                                      |                       |
|------------------------------------------------------|-----------------------|
| (h) JIU Commander in the State (if any)              | Member                |
| (i) Competent Prosecutor                             | Member                |
| (j) Director of the Security Department in the State | Member and Rapporteur |

#### Article (19)

##### Competences and Powers of the Security Committee in the State

The State Security Committee shall:

1. Maintain security in the state.
2. Coordinate between security bodies at the state level, as the case may be.
3. Receive reports from security committees in localities or counties.
4. Submit regular reports to the Higher Security Technical Committee or the Technical Committee, as the case may be.
5. Perform any functions assigned thereto by the Council, the Higher Technical Security Committee or the Technical Committee, as the case may be.
6. The Committee shall have the right to form any technical taskforce in the state to assist it in performing its functions or implementing the tasks assigned thereto.

#### Article (20)

##### Meetings of the State Security Committee

1. The State Security Committee shall convene regular meetings.
2. The State Security Committee may invite whoever it deems fit to attend its sessions whenever it thinks appropriate.

#### Article (21)

##### Formation of the Locality or County Security Committee

(1) The Locality or County Security Committee shall be formed as follows:

- |                                                         |                       |
|---------------------------------------------------------|-----------------------|
| (a) The Commissioner                                    | Chairperson           |
| (b) The Military Commander                              | Member                |
| (c) The Police Director                                 | Member                |
| (d) The Competent Prosecutor in the locality or county. | Member                |
| (e) Head of the Security Unit                           | Member and Rapporteur |

(2) In case of absence of head of security unit in the locality of country, the Police Director of the locality or county shall be member and rapporteur.

## Article (22)

### Competences of the Security Committee in the Locality or County

The Security Committee in the Locality or County shall:

1. Maintain security in the locality or county.
2. Coordinate between security bodies at the level of the locality or county.
3. Submit regular reports to the State Security Committee.
4. Any other tasks assigned thereto by the State Security Committee.

## Article (23)

### Meetings of the Security Committee in the Locality or County

1. The Committee shall convene regular meetings.
2. The Committee may invite whoever it deems fit to attend any of its sessions whenever it deems it appropriate.

## Chapter III

### NSS Powers, Competences and Members Ranks

## Article (24)

### NSS Competences

NSS shall:

1. Maintain Sudan national security, safeguard the Constitution and maintain social fabric and safety of its people from any internal or external threat.
2. Collect information pertaining to the internal or external security of the Sudan, analyze and assess same and make recommendation on the necessary preventive measures to be taken.
3. Conduct necessary search and investigation to detect any situation, facts, activities or elements that would jeopardize the national security of the Sudan and its integrity in accordance with the provisions of this Act.
4. Provide opinion, advise, consultation and services in matters pertaining to security and intelligence to the different bodies of the State in such a manner to ensure its security and integrity.
5. Detect threats emanating from destructive activities of espionage, terrorism, extremism, conspiracy and sabotage.
6. Detect and control activities of sabotage exercised by organizations, groups, individuals, foreign States or Sudanese groups in the Sudan or abroad.

7. Cooperate with similar or friendly bodies in exchange of information and control of terrorism and acts threatening common security and order as well as in issues pertaining to external security.
8. Protect VIPs and public utilities and ensure security of cities and towns in coordination with the other regular forces.
9. Any other competences assigned thereto by the President of the Republic or by one of the Vice Presidents of the Council so long as they are not in contradiction with the Constitution.

## Article (25)

### Powers of the Council

The Council shall exercise the following powers in accordance with the law:

- (a) Demand information, data, documents or things from any person with a view to examining or keeping them or otherwise take whatever NSS thinks appropriate or necessary.
- (b) Summon and interrogate people and take statements therefrom.
- (c) Monitoring, investigation and search.
- (d) Seize moneys and assets in accordance with law.
- (e) Arrest and detain individuals in accordance with the provision of Article (50) of this Act.

## Article (26)

### Ranks of Members

1. Ranks of NSS officers shall be as follows:

- (a) General.
- (b) Lieutenant General.
- (c) Major General.
- (d) Brigadier.
- (e) Colonel.
- (f) Lieutenant Colonel.
- (g) Major.
- (h) Captain.
- (i) First Lieutenant.
- (j) Lieutenant.

2. NSS other ranks shall be as follows:

- (a) Warrant Officer.
- (b) Sergeant-major.
- (c) Sergeant.
- (d) Corporal.
- (e) Lance-corporal.
- (f) Soldier.

## Chapter IV

### NSS Administration

#### Article (27)

##### Appointment and Competences of the Director

1. The President of the Republic, upon consultation with the Presidency shall appoint NSS Director and determine his/her remunerations and privileges.
2. The Director shall have the following functions:
  - a) Running all executive, technical and administrative affairs pertaining to NSS or its members and he/she shall have, to that end, the power to issue directives, orders and decisions necessary for the organization of NSS and businesses thereof.
  - b) Securing the system of NSS operations, ensuring its development and improvement of its performance.
  - c) Representing NSS and fostering its relations with the other entities.
  - d) Submitting regular and emergency reports and recommendations to the Presidency.
3. The Director shall report to the Presidency on the implementation of his/her competences and performance of NSS.

#### Article (28)

##### Appointment and Competences of the First Deputy Director

1. The President of the Republic, upon consultation with the Presidency, shall appoint First Deputy Director upon a recommendation from the Director and shall determine his/her remunerations and privileges.
2. The First Deputy Director shall have the following competences:
  - (a) Assuming competences and powers of the Director provided for in this Act during his/her absence.
  - (b) Exercising the powers and competences bestowed upon him/her by virtue of the provisions of this Act or whatsoever assigned to him/her by the Director.
  - (c) Assisting the Director in running NSS and monitoring its performance.

#### Article (29)

### Appointment of Deputies Director

1. The President of the Republic shall appoint, upon consultation with the Presidency and upon recommendation from the Director, Deputies Director and shall determine their remunerations and privileges.
2. The Director shall determine competences of the Deputies.
3. Deputies to the Director shall assist the Director in running NSS.

### Article (30)

#### Consistence and Consultation with regard to NSS Command

NSS Director, his/her First Deputy and Deputies shall, in their capacity as NSS leaders, run NSS and perform their functions as provided for in this Act with a spirit of comradeship, consistence and consultation.

### Article (31)

#### Appointment of Staff and their Competences

The Director shall appoint the staff in accordance with NSS approved organizational and professional hierarchy. Regulations shall specify their competences.

### Article (32)

#### Requirements for Appointment of Members

Any person to be appointed in NSS shall:

1. Be a Sudanese national by birth.
2. Be fully eligible.
3. Be known of his/her integrity, honesty, good conduct and reputation.
4. Not have been convicted for committing a crime of turpitude or honesty.
5. Meet the medical and educational requirements.

### Article (33)

#### Appointment of Officers and Other Ranks

1. The President of the Republic shall appoint, upon a recommendation from the Director, officers in accordance with the provisions of this Act and the regulations and orders issued thereunder.
2. The Director shall appoint qualified persons to fill vacancies of other ranks pursuant to the provisions of this Act and regulations and orders issued thereunder.

3. There shall not be deemed appointed in accordance with the provisions of Paragraphs (1) and (2) above any person who receives moneys from NSS without having met the requirements of appointment in accordance with the provisions of Article (32) of this Act.

#### Article (34)

##### Oath

1. The Director, his/her First Deputy and Deputies shall take, upon appointment the oath appended to this Act before the Presidency.
2. NSS commissioned officers shall take the same oath before the President of the Republic.
3. Other members shall take the same oath before the Director.

#### Article (35)

##### Appointment & Retention of Officers in Service

1. New officers shall be appointed for a period of two probationary years starting from the date of issuance of the appointment decision. The Director may:
  - A. Reduce the probation period stipulated in Para (1) above by not more than one year; provided that the officer concerned has a previous similar service with good conduct, a distinguished academic qualification or an outstanding performance.
  - B. Dismiss the officer concerned if he proves unfit to work for NSS.
2. Any officer who successfully completes the probation period mentioned in Para (1) shall be retained in the permanent NSS service.

#### Article (36)

##### Secondment

1. (a) The Director may second any person to work for NSS, with the consent of the seconded person and his/her mother employer, for two renewable years, after which the seconded person may choose to be permanently transferred to NSS or else return to his/her mother employer.  
  
(b) NSS member may be seconded to work for any other entity in accordance with the regulations.
2. The person seconded to work for NSS shall be considered, during secondment period, a member of NSS and shall have all rights and obligations of regular NSS members in his/her rank.
3. Notwithstanding the provisions of Para (1), the Director may terminate secondment of any person if the interest of work in NSS requires so. The Director shall, in this case, notify that person and his/her mother employer thirty days before the date of termination of secondment unless there are reasons justifying immediate termination.

#### Article (37)

##### Recruitment of Persons as Associates

1. The Director may recruit any person to work with NSS as associate in accordance with the requirements specified by him/her and the regulations issued pursuant to the provisions of this Act.

2. The Director may terminate services of any associate at any time. He/she shall immediately notify that associate and take measures necessary for terminating his/her services.

#### Article (38) Transfer of Members

1. The President of the Republic or any of his Deputies may, upon a recommendation from the Director, permanently transfer any of NSS members to any of the other regular forces or any of the public service bodies.
2. The President of the Republic or any of his Deputies may, upon a recommendation from the Director, transfer any of the employees of any other regular forces or any public service body to NSS.

#### Article (39) Seniority

The Director shall keep the members seniority lists in the manner specified by the regulations and ensuring confidentiality thereof and rights of the members.

#### Article (40) Salaries, Remunerations and Privileges

1. Financial Regulations shall determine salaries, remunerations and privileges of members in accordance with the following:
  - (a) Members' salaries, and wages structure and salary grades.
  - (b) Remunerations, privileges, increments and allowances and conditions for approving and granting thereof in accordance with the approved budget of NSS.
2. The Director shall approve regular increments for officers and other ranks.
3. No salaries, wages or other entitlements such as increments, allowances, remunerations and privileges of members may be seized or deducted unless for paying debts owed to government or in executing a ruling issued by a competent court provided that seized or deducted amount shall not exceed one quarter of the pay.

#### Article (41) Training

Regulations shall determine the bases, principles, plans and standards of training programmes for NSS members.

#### Article (42) Promotions

1. Regulations shall determine conditions for selection of members to be promoted and modalities thereof.
2. Promotion of members shall be approved by a decision issued by the President of the Republic upon a recommendation from the Director.
3. Promotion of other ranks shall be approved by a decision issued by the Director.

#### Article (43) Referral to Provisional Retirement

1. The Director may refer any officer to provisional retirement for a period not exceeding one year for any of the following reasons:
  - (a) If performance of his/her duties is unsatisfactory.
  - (b) If a medical committee decided that he/she is unfit for service or has disability affecting his/her performance.
2. The Director shall, before the end of the period of provisional retirement set forth in Para (1), form a committee to investigate reasons of referring the officer concerned to provisional retirement and submit recommendation to return that officer to service or retire him/her on pension.
3. Pursuant to Para (1), the officer referred to provisional retirement shall commit himself/herself to the following:
  - (a) Provisions of this Act and regulations and orders issued thereunder.
  - (b) Inform his/her supervisor in writing of his/her residence and any change thereof.

#### Article (44) Effect of Referral to Provisional Retirement

- Notwithstanding referral of officer to provisional retirement in accordance with Article (43):
- (a) He/she shall be paid 2/3 of his/her salary subject to pension deduction.
  - (b) The period of provisional retirement shall be calculated as part of his/her effective period of service.
  - (c) The Director may order, upon a recommendation from the investigation committee formed under Article (43), that the officer continue in service or submit recommendation to the President of the Republic to retire him/her on pension.

#### Article (45) Suspension from Service

1. If a charge is made against a member for violating provisions of this Act or criminal procedures are initiated against him/her, the Director may issue an order in writing to suspend his/her service, if the interest of work requires so. The Suspension shall exclusively be the powers of the Director, in case of officers of the rank lieutenant Colonel and above. The concerned member shall be informed of reasons of suspension.
2. In case the suspension order is related to the Director or any of his Deputies, the order shall be issued by the President of the Republic.
3. If the suspension order is issued in accordance with Para (1) for some reason other than initiating criminal procedures against the concerned member, the Director shall form a committee to interrogate the suspended member on the charge(s) made against him/her. The Director shall decide on the case in question based on said interrogation; either to initiate criminal procedures against him/her in accordance with the provisions of this Act or to drop the order.

4. Regulations shall specify the manner of suspension set forth in Para (1) above.

#### Article (46)

##### Grievance and Complaint

Any member may file his/her grievance or complaint to his/her immediate senior officer pursuant to the regulations.

#### Article (47)

##### End of Service

1. The service of an officer shall be terminated by a decision issued by the President of the Republic upon a recommendation from the Director for any of the following reasons:
  - a) Attaining the age of retirement;
  - b) Acceptance of resignation;
  - c) Filling a constitutional position;
  - d) Dismissal from service if his/her service in NSS becomes undesired;
  - e) Loss of one of the requirements of eligibility or appointment;
  - f) Issuance of a ruling by NSS Court on his/her dismissal;
  - g) Issuance of imprisonment order by a court;
  - h) His/her death or martyrdom.
2. The service of other ranks shall be terminated by a decision issued by the Director for any of the following reasons:
  - a) Attaining the age of retirement;
  - b) Terminating his/her contract of service.
  - c) Filling a constitutional position;
  - d) Loss of one of the requirements of eligibility or appointment;
  - e) Issuance of a court ruling on sentence of imprisonment against him/her.
  - f) Acceptance of resignation;
  - g) Dismissal from service if his/her service in NSS becomes undesired;
  - h) His/her death or martyrdom.
  - i) Issuance of a ruling by NSS court on his dismissal.

#### Article (48)

##### After-service Benefits

The two Peoples' Armed Forces Pension Acts for officers and other ranks shall be applicable to NSS officers and other ranks until NSS Pension Act is issued.

#### Article (49)

##### NSS Members Duties

1. An NSS member has to:
  - A. Devote all his/her time and effort to perform the duties provided for in this Act and the regulations and orders issued thereunder; perform, in person, meticulously and honestly, any duty or work assigned to him/her, and be responsible for any orders he/she issues; obey, at all times, within the limits of his/her duties, any

lawful order issued to him/her by a senior officer; and do his/her best to execute the same.

- B. Set an example for others through his/her behaviour and good conduct and always be guided by the fear of Allah in work, maintain the dignity of his/her career and act with the respect required by the job.
- C. Render himself/herself on duty 24 hours a day; and reside inside his/her station, only to be outside of it for reasons agreed upon by the Director.
- D. Maintain the human dignity, honour and fundamental freedoms and refrain from persecuting acts.
- E. Respect the religious and cultural diversity of Sudan.

3. No member may:

- a. Keep for himself any original of an official document or a copy thereof, or remove that original or copy from files entrusted into him/her even if the document concerns a work assigned to him/her.
- b. Disclose any information or matters that are, by their very nature, confidential, or deemed so in accordance with special instructions, unless he/she is authorized to do so.

## Article (50)

### Powers of the Members, Director and Council

1. Pursuant to the provisions of Articles 29 and 37 of the Interim National Constitution, 2005, Each and every member shall, by virtue of an order issued by the Director, and for the purpose of executing the competences set forth in this Act, have the following powers:

- (a) Any of the powers provided for in Article (25).
- (b) Search after obtaining an order issued by the Director in writing.
- (c) Powers of the policemen as provided for in the Police Forces Act and the Criminal Procedures Act.
- (d) Exercise any lawful powers necessary for execution of the provisions of this Act.
- (e) Arrest or detain any suspected person for a period not exceeding thirty days provided that his/her relatives are immediately informed.
- (f) After elapse of the thirty days mentioned in Para (e) above, and if there are reasons that require more investigation, enquiry and maintaining the detained person in custody, NSS member shall refer the issue to the Director and make the recommendations he deems appropriate.
- (g) The Director may renew the detention period for not more than fifteen days with the purpose of completing investigation and enquiry.
- (h) If it comes to the knowledge of the Director that maintaining any person in custody is necessary for completion of investigation and enquiry in case of an accusation related to a factor threatening the security and safety of the people; intimidating society by way of armed robbery, racial, religious sedition or terrorism; disrupting peace; exercising political violence; or plotting against the country, he shall refer the issue to the Council which may extend the detention period for not more than three months.
- (i) Without prejudice to paragraphs (f), (g) and (h), NSS authorities shall inform the competent prosecutor and hand over suspect and all documents and appendices thereof in

order to complete the procedures. In case of absence of initial evidence, NSS shall release the suspect.

2. For the purposes of this Article, NSS shall take into account provisions of Article (33) of the Interim National Constitution, 2005.
3. The Director may issue standing orders to organize exercise of the powers set forth in Para (1) above.

#### Article (51)

##### The Rights of arrested, detainee and person in custody

1. Upon arresting, detaining or putting a person in custody, he/she shall be informed of the reasons why he/she is arrested, detained or put in custody.
2. The arrested, detainee or person in custody shall have the right to inform his/her family or mother employer of his/her detention and shall be allowed to communicate with his/her family or advocate if this does not prejudice the progress of interrogation, enquiry and investigation.
3. The arrested, detainee or person in custody shall be treated in a manner safeguarding his/her dignity and he/she shall not be physically or morally hurt. Regulations shall organize the manner of keeping and handing over his/her belongings.
4. Detainee shall have the right to obtain an additional portion of food and cultural items and clothes at his/her own expense subject to security situation and order in detention facilities.
5. Women detainees shall be placed only in detention facilities allocated for them. They shall be treated in a manner that is commensurate with their status as females.
6. A detainee's family shall be allowed to visit him/her in accordance with the regulations.
7. A detainee shall have the right to medical care.
8. The competent Prosecutor shall continuously search the detention facilities in order to ensure compliance with the detention regulations and receive any complaint from the detainees in this respect.
9. Regulations shall determine the conditions that must be fulfilled in detention facilities and the regulations and issues ensuring safeguard of the detainees' dignity.
10. A detainee shall have the right to resort to court if kept in custody or detention more than the period specified in Article (50) of this Act.

#### Article (52)

##### Immunities of Members and Associates

Members and associates shall have the following immunities:

1. There shall not be deemed a crime an act done by any NSS member in good intention while or by reason of performing his/her functions or any duty assigned thereto or any act he/she did as part of any power bestowed on him/her pursuant to this Act or any other applicable Act, regulation or orders issued thereunder provided that this Act is within the limits of the works and duties assigned thereto in accordance with the powers bestowed thereon pursuant to this Act.

2. no member or associate may be forced to provide any information on NSS' conditions, activities or works that he/she has obtained while performing his/her duties unless by virtue of a court decision.
3. Without prejudice to the provisions of this Act and any right to claiming compensation against NSS, no civil or criminal procedures may be brought against a member or associate unless upon the approval of the Director. The Director shall give such approval whenever it appears that the subject of such accountability is not related to official business, provided that the trial of any staff or associates shall be before a closed criminal court, during their service or after its termination, with regards to acts committed by them.
4. Subject to the provisions of Article (46) of this Act, and without prejudice to any right to claiming compensation against NSS, no civil or criminal procedures may be brought against a member as a result of an act associated with the official duty of the member unless upon the approval of the Director. The Director shall give such approval whenever it appears that the subject of such accountability is not related to NSS official business.
5. Any trial, in relation to acts he/she commits in connection with his/her official duty, before an ordinary court of any member during service or after termination thereof shall be closed unless the court decides otherwise.
6. Associates shall enjoy the same immunities provided for in this Article.

#### Article (53) Prohibition of seizure

NSS premises or movable assets may not seized unless by virtue of a court decision.

### Chapter (V) Crimes and punishments, contraventions and penalties Crimes and Punishments

#### Article (54) Applicability of the Provisions of the Criminal Act on Members

1. If a member commits a crime in violation of the provisions of this Act, where such a crime is also considered a crime pursuant to the provisions of the Criminal Act in force, such a member shall be punished under the provisions of this Act; provided that the Director may, for objective reasons, refer the case to the competent court.
2. Without prejudice to the provisions of Para (1), provisions of other laws in force shall apply to members in case they commit any crime in violation of such laws, where such crimes are not provided for in this Act.

#### Article (55) Punishments of Crimes in Relation to the Enemy

1. There shall be sentenced to death or life imprisonment, any member who:
  - a. abandon or dishonorably surrender any post, centre or place of guard he/she has a duty to defend;

- b. drop or surrender dishonorably his/her weapon, ammunition, machineries or equipment in the presence of the enemy.
  - c. convey to the enemy, directly or indirectly, any news pertaining to the country security, or assist the enemy directly or indirectly to access such information.
  - d. neglect to immediately report to his/her superior or any other officer what he/she comes to know of act, correspondence or contacts carried out, directly or indirectly, by any person with the enemy.
3. For the purposes of this Article, an enemy is a natural or corporate person who is in a state of war against the country, threatens its security or carries out acts of sabotage or terrorism against the State.

#### Article (56)

##### Punishment of Crimes of Conspiracy and Mutiny

1. There shall be punished with death or life imprisonment any NSS member who:
- A. Attempts to conspire, in association with any other members, to mutiny, incite or cause the same or participate therein.
  - B. Be witness to any mutiny and fails to exert all efforts to stop it.
  - C. Fails to report when he knows or has reason to believe that there is a mutiny or an attempt to mutiny or conspiracy against the legitimate constitutional regime of the country.

#### Article (57)

##### Punishment of Jeopardizing the Internal or External Security of the Country or NSS

There shall be punished with death or life imprisonment any NSS member who intentionally commits any act or omission intending to jeopardize the internal or external security of the country or NSS.

#### Article (58)

##### Punishment of Neglect of Duty

There shall be punished with imprisonment for a period not exceeding ten years, a fine, or both punishments, any NSS member who:

- A. Fails to immediately report to his superior or to any other senior officer any information brought to his/her knowledge relating to the competences of NSS.
- B. Grossly neglects his duty or overlooks any of the duties provided for in this Act.

#### Article (59)

##### Abuse of Power and Position

There shall be punished with imprisonment for a period not exceeding ten years, a fine, or both punishments, any NSS member, who abuses the powers conferred on him/her pursuant to the provisions of this Act, abuse his/her position in NSS to obtain material or moral benefit for him/her or for others, or cause harm to others.

#### Article (60)

##### Punishment of Obtaining Illegitimate Gains and Making False Statements

There shall be punished with imprisonment for a period not exceeding ten years, a fine, or both punishments, each member who commits any of the following acts:

- a. obtain, for themselves or others, an allowance, pension, benefit or privilege by giving false statement he/she believes to be incorrect.
- b. deliberately present to any person or competent authority a false statement or report on the number of members under his/her command or charge, or on their situation, or on amount of money, equipment, supplies, machineries, tools, clothes or personal weapons in his/her responsibility, whether such money, clothes, equipment or personal weapons belong to such members, NSS or any person attached thereto; or deliberately refrain from or refuse to submit a statement or report on any of the abovementioned.

#### Article (61)

##### Punishment for Accepting Benefits

##### or Illegitimate Remuneration

There shall be punished with imprisonment for a period not exceeding five years, a fine, or both punishments each member who accepts, directly or indirectly, any benefit or remuneration for themselves or others; or obtain such benefit or remuneration or agree thereto, in exchange for recruiting any person in NSS, or to act leniently in accepting any equipment, supplies, weapons or ammunition for a department under his/her responsibility.

#### Article (62)

##### Punishment for Disposing of Weapons, Ammunitions and other Supplies

There shall be punished with imprisonment for a period not exceeding ten years, a fine, or both punishments, any NSS member who unlawfully disposes of or authorizes others to dispose of weapons, ammunitions, tools, supplies, equipment, machineries, or clothes given to him/her for using them to perform his/her duty, or to be kept under his/her responsibility, trust or guard.

#### Article (63)

##### Punishment for Financial Crimes

There shall be punished with imprisonment for a period not exceeding ten years, a fine or both punishments, any member who:

- a. misappropriates, with bad intention, converts for his own interest any funds, tools, supplies or equipments under his/her trust.
- b. receives any moneys and properties, tools, supplies or equipment with the intention of keeping same for himself/herself.

C. misappropriates any properties which have been subject of a crime or keeps same while he/she knows or has a reason to believe that it is so.

d. causes damage or destruction to any of the properties belonging to NSS, either intentionally or by negligence, disposes of same by transferring ownership or loses them.

#### Article (64)

##### Punishment for Crimes related to Guard

(1) Any member or individual who commits any of the following acts shall be inflicted with the same punishment for the crime for which he/she has been arrested:

A. declines to hand over any arrested or detained member or individual whose guard has been entrusted to him, while performing the guard duty, for any official entity authorized by law to receive him/her.

B. releases any member or individual under his guard without any order authorizing so, or enables, by negligence, that member or individual to escape.

2. There shall be punished with imprisonment for a period not exceeding five years any member who escapes from custody.

#### Article (65)

##### Punishment for Conduct Violating Discipline

There shall be punished with imprisonment for a term not exceeding five years, any member who commits any act that is deemed in violation of discipline in accordance with the provisions of the regulations and orders issued under this Act.

#### Article (66)

##### False Accusation and Statements

There shall be punished with imprisonment for a term not exceeding five years any member who:

a. makes any false accusation against any other member.

b. makes, with bad intention, when filing any complaint, false statements with respect to any incident or attitude relating to any other member or person or intentionally refrains from providing essential information in this respect.

#### Article (67)

##### Deserting Service

1. There shall be punished with imprisonment for a term not exceeding five years, with a fine or both punishments, any member who deserts service, provided that this penalty in addition to any penalty to which he/she is subject to under this Act.

2. For the purposes of Para (1), there shall be deemed deserter from service any member who absents himself from his/her place of work or does not report to work after elapse of his/her leave, without reasonable excuse, if his/her absence exceeds twenty one days.

#### Article (68)

##### Punishment of NSS Member after Leaving the Service

(1) There shall be sentenced to death or life imprisonment any member referred to retirement or leaves NSS service for whatsoever reason if he/she discloses NSS confidential information to the enemy or communicates information relating to NSS that has come to his/her knowledge during his/her service therein or as a result thereof.

(2) There shall be punished with imprisonment for a term not exceeding ten years, with a fine, or both punishments, any member who is subject to the provisions of para (1) if he/she discloses confidential information or communicates the information mentioned in that paragraph to any person.

(3) Any person who, after leaving service with NSS, impersonates NSS member shall be punished with imprisonment for a term not exceeding five years.

#### Article (69)

##### Use of Criminal Force against Superiors and Ill-treatment of Subordinates

There shall be punished with imprisonment for a term not exceeding three years, a fine or both punishments any member who uses force against:

- a. his/her superior, assaults or attempts to assault the same, while in service or otherwise, knowing or has reason to believe that he/she is his/her superior.
- b. any of his/her subordinates, assaults or attempts to assault him/her.

#### Article (70)

##### Punishments for crimes related to NSS Court

There shall be punished with imprisonment for a term not exceeding two year or a fine, any member who:

- a. deliberately refuses to appear before court after being officially summoned to give testimony, refuses to give testimony under oath or refuses to make a statement, answer any question, bring any document or otherwise or hand over same when asked to do so.
- b. gives false testimony under oath as witness, or when examined before NSS court or any other court competent to make them testify or be examined under oath, knowing that statement is incorrect or having reason to believe so.
- c. deliberately makes an insult in NSS Court while in session, causes any disturbance, uses any term, make any sign or signal within courtroom that can be interpreted as threat, disrespect, violence or disobedience before court.

## Article (71)

### Penalty for indecent and inappropriate conduct

There shall be punished with dismissal or fine any member who behaves indecently and contrary to the dignity and respect of his/her job.

## Article (72)

### Punishment of instigating and coercing other to commit crimes

Any member who instigates any other member or force them to commit any of the crimes provided for in this Act shall be subject to same penalty set for the crime they urged any other members or coerced them to commit.

## Article (73)

### Violations and penalties

#### Violations

1. Any member who commits any of the following acts shall be deemed to have committed a violation and shall be punished with the penalties provided for in Para (74) herein:

- a. Belated themselves from work, service or attendance that they know about.
  - b. Do not perform his/her duties in the best possible manner.
  - c. Abandon his/her duty station without permission.
  - d. Give false information about any duty or job assigned to them.
  - e. Are reluctant to obey an order.
  - f. Neglect to comply with any standing order issued in pursuance with this Act.
  - g. Fail to respect discipline.
  - h. Destroy by way of negligence, money, tools, supplies, equipment, machineries, or clothes under his/her trust or utilized by NSS, cause damage or loss of same in the same manner.
  - i. Pretend to be ill or intentionally extend the treatment period.
3. There shall deemed to have committed a violation and thus shall be inflicted with penalty as a result of committing the same pursuant to the provisions of Article (74) any member who instigates or coerces any other member to commit any of the violations specified in Para (1) above.

## Article (74)

### Penalties

Any member who commits any of the violations provided for in Para (73) may be punished with any of the following penalties:

a. Concerning officers:

1. Written advice.
2. Minor reprimand.
3. Severe reprimand.
4. Deprivation from allowances.
5. Deprivation from the basic salary for the period of absence without permission.
6. Deprivation from seniority for a period not exceeding one year.
7. Demotion.
8. Discharge.
9. Dismissal.

b. As for other ranks:

1. Minor reprimand
2. Severe reprimand
3. Extra work
4. Deprivation from basic salary for a period not exceeding seven days or for the period of the absence without permission.
5. Dismissal warning
6. Detention for a period not exceeding 28 days inside the camp.
7. Detention for a period not exceeding 28 days.
8. Demotion.
9. Discharge
10. Dismissal

Chapter VI

NSS Courts

Article (75)

Establishment of NSS Courts

Two courts shall be established within NSS:

1. Non Summary Court: for hearing crimes provided for in the Articles from (54) to( 69) of this Act.
2. Summary Court: for hearing other crimes and violations provided for in this Act.

Article 76

Formation of NSS Court

1. NSS courts shall be formed as follows:

- a. NSS summary court: Shall be formed of one officer of a rank higher than that of the defendant upon a decision by the Director.
- b. NSS non summary court: shall be formed of three officers and a prosecutor upon an order by the Director; provided that the Chair is of higher rank than that of the defendant and having a legal background and the other two members shall be of same or higher rank than that of the defendant. In crimes punishable by death penalty, the rank of the Chair shall not be below the rank of NSS colonel.

2. In crimes punishable by death penalty: the court shall be formed upon a decision from the Director and approval of the President of the Republic.

3. The defendant may seek advice of an advocate or a friend.

Article (77)

Court Proceedings

1. Non summary courts formed pursuant to the provisions of this Act shall follow the procedures provided for in the Criminal Procedures Act.

2. The Federal Minister of Justice or Minister of Legal Affairs and Constitutional Development, as the case may be, shall be informed before taking any action against any Non-NSS-member accused of being involved in a crime committed by NSS member(s).

Article (78)

Confirmation of NSS Court Decisions

1. NSS courts judgments shall be confirmed as follows:

a. In case of summary courts, by the Deputy Director if the imprisonment period exceeds twenty eight days.

b. In case of non summary courts prosecuting members having the ranks of:

1st: Colonel and below: by the first Deputy Director;

2nd: brigadier and above: by the Director.

2. The Director shall refer Capital punishment judgments other than hudoud judgments confirmed by courts of appeal to the Supreme Court for revision and then to the President for endorsement.

3. Rulings of both NSS courts are final following their approval by the confirmation authority provided for in paragraphs (1) and (2) as the case may be.

4. Except for crimes punishable by death penalty or life imprisonment, rules shall determine the procedures of confirmation of judgments of both summary and non-summary courts.

Article (79)

Appeals

1. A court of appeal to consider decisions issued by the NSS courts shall be formed by virtue of an order issued by the Director in accordance with the procedures provided for in the regulations. All death penalty and life imprisonment judgments shall be referred thereto.
2. The Director shall endorse the decisions made by the court of appeal.

#### Article (80)

##### Plea for Forgiveness

1. Any member convicted and punished by any of the NSS Courts, may plea for forgiveness or mercy to the President of the Republic, the Director or his first Deputy Director, as the case may be, who may, upon examination of the documents of the trial, issue a decision reducing or dropping the penalty or rejecting the plea, provided that reasons to that effect shall be mentioned.
2. Regulations shall provide for procedures for submitting pleas for forgiveness.

#### Article (81)

##### Execution of NSS Courts Decisions

Decisions of NSS Courts shall be executed as follows:

1. Fines: According to the Civil Procedures Act;
2. Imprisonment:
  - a. for a period not exceeding 28 days in a detention facility.
  - b. for a period exceeding 28 days: in prisons.
3. Capital punishment: in prisons.

#### Chapter VII

##### Financial Provisions

#### Article (82)

##### NSS Budget

1. NSS shall have an independent budget to be prepared in accordance with the sound accounting principles.
2. The Director shall work out the annual budget proposals of NSS and submit same to the Presidency for approval and inclusion in the general budget.
3. The Director is responsible for the implementation of the approved NSS budget in accordance with the provisions of this Act and the regulations issued thereunder.

#### Article (83)

##### Auditing

1. The General Auditor Chamber shall audit the NSS accounts and submit a report thereon to the president of the Republic.

2. Without prejudice to the foregoing, the General Auditor Chamber may not audit account of the security activities and operations.

## Chapter VIII

### Final Provisions

#### Article (84)

##### Duty to Assist

All official bodies and citizens shall avail needed assistance and necessary help for the NSS members in implementing their duties and assuming their competencies provided for herein.

#### Article (85)

##### Power to Issue General and Standing Orders

The Director may issue general or standing orders to the NSS members with regard to:

1. Good management:
  - a. Welfare of members
  - b. Offices, residence, training facilities and other premises utilized by NSS.
2. Training and capacity building
3. Organization of general affairs of members.
4. Clothes, supplies and equipment.

#### Article (86)

##### Power to Make Regulations

The NSS may issue necessary regulations for the implementation of the provisions of this Act. Without prejudice to the generality of the foregoing, such regulations may include the following issues:

- a. Terms and conditions of service;
- b. Basis for promotion, transfer and leaves.
- c. Development of NSS, its working modalities and organizational and job structures.
- d. Determination of the types of arms, ammunitions and clothes of NSS.
- e. Members' code of conduct.
- f. Expenditure and procurement system.
- g. Organization of treatment of detainees and detention facilities.
- h. NSS relation with the public.

### Testimony

This is to certify that the National Assembly passed the National Security Act, 2010 in its session no. 23, the ninth term, held on 3 Muharam 1431H corresponding to 20 December 2009. The Joint Permanent Committee decided in its meeting no. 21 dated 14 Muharam 1431 corresponding to 31 December that this Act shall not affect the interests of the states.

Ahmed Ibrahim Eltaher

Speaker of the National Assembly

Chairperson of the Joint Permanent Committee

I concur:

Field Marshal:

Omer Hassan Ahmed Elbashir

President of the Republic

Date:

### Oath

"I, (enter name and rank) \_\_\_\_\_, being appointed as Director, First Deputy Director, Deputy Director, officer or a member of NSS swear by Almighty Allah and solemnly declare to give my country my truthful allegiance and serve the people, strive to respect and protect the Constitution and law, dedicate all my time and power throughout my service for the execution of the duties assigned to me under the National Security Act, 2009 or any other law in force with full loyalty and commitment to protect the internal and external security of the Sudan. I also swear to obey my superior officer, safeguard the secrets of NSS, not to disclose any information I came to know regardless of their source, or secrets entrusted into me or I came across, during my service and thereafter unless it is required for preserving the safety and security of the State and to be committed to this oath even if the same leads to risking my life. In certification whereof, I, hereunto put my hand."

**A3**

بسم الله الرحمن الرحيم  
قانون الأمن الوطني لسنة 2010  
ترتيب المواد

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أحكام تمهيدية

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- 6— الخاضعون لأحكام هذا القانون .

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- 7— إنشاء المجلس .
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## بسم الله الرحمن الرحيم قانون الأمن الوطني لسنة 2010

( 2010/1/28 )

### الفصل الأول أحكام تمهيدية إسم القانون

1— يسمى هذا القانون " قانون الأمن الوطني لسنة 2010 .

### إلغاء واستثناء

2— يلغى قانون قوات الأمن الوطني لسنة 1999 ، على أن تظل جميع اللوائح والقواعد والأوامر الصادرة بموجبه سارية إلى أن تلغى أو تعدل .

### إنشاء

- 3— (1) ينشأ جهاز للأمن الوطني يسمى "جهاز الأمن الوطني" .  
(2) يكون الجهاز قوة نظامية قومية تعمل تحت الإشراف العام لرئاسة الجمهورية.  
(3) يكون المدير مسؤولاً مسؤولية مباشرة عن إدارة الجهاز .

### الرسالة

- 4— (1) يكون جهاز الأمن الوطني جهازاً لتنبية أجهزة الدولة المختصة بحدوث أو قدوم خطر داخلي أو خارجي يهدد البلاد أو أي جزء منها حرباً كان أو غزواً أو حصاراً أو كارثة طبيعية أو بيئية ، أو تهديد سلامتها اقتصادياً أو نظامها الديمقراطي أو نسيجها الاجتماعي، وإشاعة وبث الطمأنينة وسط المواطنين .  
(2) يكون الجهاز وخدمته مهنية وقومية تعكس التمثيل العادل للتنوع والتعداد بالسودان .

### تفسير

- 5— في هذا القانون ، ما لم يقتض السياق معنى آخر ، تكون للكلمات والعبارات الآتية المعاني الموضحة
- قرين كل منها :
- " الجهاز " يقصد به جهاز الأمن الوطني المنشأ بموجب أحكام المادة 3 ،
- " المجلس " يقصد به مجلس الأمن الوطني المنشأ بموجب أحكام المادة 7 ،
- " المدير " يقصد به مدير الجهاز المعين وفق أحكام المادة 27 ،
- " النائب الأول للمدير " يقصد به النائب الأول للمدير المعين وفق أحكام المادة 28 ،
- "نواب المدير" يقصد بهم نواب المدير المعينون وفق أحكام المادة 29 ،
- " اللجنة الفنية العليا " يقصد بها لجنة الأمن الفنية العليا المنشأة بموجب أحكام المادة 11 ،
- " اللجنة الفنية " يقصد بها اللجنة الفنية لأمن جنوب السودان المنشأة بموجب أحكام المادة 17 ،
- " لجنة الأمن " يقصد بها لجنة أمن جنوب السودان أو الولايات ، حسبما يكون الحال والمنشأة بموجب أحكام هذا القانون ،
- " وكيل النيابة المختص " يقصد به المستشار القانوني الذي يعينه وزير العدل ، أو وزير الشؤون القانونية والتنمية الدستورية بحكومة الجنوب، بحسب الحال للقيام بالمهام الموكلة له بموجب أحكام هذا القانون ،
- " الضابط " يقصد به أي من حاملي رتبة ضابط الجهاز من رتبة الملازم الي رتبة الفريق أول المشار إليها في المادة 26(1) ،
- " ضابط صف " يقصد به أي عضو من رتبة وكيل عريف الى رتبة المساعد الواردة في المادة 26(2) ،
- " الرتب الأخرى " يقصد بهم حاملو رتب الجهاز المبينة في المادة 26(2) ،
- " المحكمة المختصة " يقصد بها المحكمة الدستورية أو أي من محاكم السلطة القضائية القومية حسبما يكون الحال وسبب الدعوى وطبيعتها ،
- " محكمة الجهاز " يقصد بها أي من محاكم الجهاز المنشأة بموجب أحكام المادة 75 ،

" نائب الأحكام " يقصد به الضابط القانوني الذي يعينه المدير في المحاكمة غير الإجبارية ،  
" الضابط الأعلى " يقصد به الضابط أو ضابط الصف الأعلى وفقاً للأقدمية النظامية ،  
" العضو " يقصد به أي شخص يعين في خدمة الجهاز وفقاً لأحكام هذا القانون ،  
" الجندي " يقصد به أي من جنود الجهاز من غير الضباط وضباط الصف ،  
" المتعاون " يقصد به الشخص المستخدم في الجهاز على غير سبيل الوظيفة الراتبية أو الدوام وفقاً لأحكام هذا القانون .

### الخاضعون لأحكام هذا القانون

6- يخضع لهذا القانون كل من :

- (أ) ضباط الجهاز ،
- (ب) ضباط صف وجنود الجهاز ،
- (ج) أي شخص يعين أو ينتدب بموجب أحكام هذا القانون ،
- (د) المتعاونون إذا قرر ذلك المدير وفقاً للوائح ،
- (هـ) أي شخص آخر يكون متهماً بالاشتراك مع أي عضو من الجهاز بارتكاب جريمة وفقاً لأحكام هذا القانون .

### الفصل الثاني

#### مجلس الأمن الوطني واللجنة الفنية العليا ولجنة أمن الجنوب ولجان أمن الولايات

#### إنشاء المجلس

7- ينشأ مجلس أعلى للأمن يسمى " مجلس الأمن الوطني " ، ويتكون من :

- (أ) رئيس الجمهورية ، رئيساً
- (ب) النائب الأول لرئيس الجمهورية ، نائباً للرئيس
- (ج) نائب رئيس الجمهورية ، عضواً
- (د) كبير مساعدي رئيس الجمهورية ، عضواً
- (هـ) مساعدو رئيس الجمهورية ، أعضاء
- (و) مستشار رئيس الجمهورية للشؤون الأمنية ، عضواً ومقرراً
- (ز) وزير الدفاع ، عضواً

|       |                                           |
|-------|-------------------------------------------|
| عضواً | (ح) وزير الخارجية ،                       |
| عضواً | (ط) وزير المالية ،                        |
| عضواً | (ي) وزير الداخلية ،                       |
| عضواً | (ك) وزير العدل ،                          |
| عضواً | (ل) وزير الشؤون الداخلية بجنوب السودان ،  |
| عضواً | (م) وزير الشؤون القانونية بجنوب السودان ، |
| عضواً | (ن) وزير شؤون الجيش الشعبي ،              |
| عضواً | (س) رئيس مجلس الدفاع المشترك ،            |
| عضواً | (ع) المدير .                              |

(2) يجوز لرئيس المجلس دعوة أي شخص لحضور إجتماع المجلس إذا كان ذو علاقة بالموضوع المطروح في الجلسة وليس له حق التصويت .

#### إختصاصات المجلس وسلطاته

8— (1) يختص المجلس بإجازة الإستراتيجيات والخطط والسياسات والموجهات الخاصة بالأمن القومي للبلاد، ويتولى مهمة التنسيق والإشراف العام على مسار إنفاذها بما يضمن أمن وسلامة البلاد .

- (2) دون المساس بعمومية نص البند (1) يختص مجلس الأمن الوطني بالآتي :
- (أ) التخطيط لمسار السياسة الأمنية بالبلاد ،
  - (ب) الإشراف العام على سير العمل الأمني ،
  - (ج) التنسيق بين الأجهزة الأمنية ،
  - (د) متابعة إنفاذ برامج وخطط السياسة الأمنية وتلقى التقارير بشأنها ،
  - (هـ) إجازة اللوائح المنظمة لأعمال المجلس ولجانه .

#### إجتماعات المجلس

- 9— (1) يجتمع المجلس دورياً أربع مرات في العام .
- (2) يجوز لرئيس المجلس دعوته للإنعقاد الطارئ في أي وقت .
- (3) يعد مقرر المجلس جدول أعماله بالتشاور مع رئيس المجلس .
- (4) يتخذ المجلس قراراته بالتوافق .

#### مقرر المجلس

- 10— (1) يكون مقرر المجلس مسئولاً عن حفظ محاضره ووثائقه وشؤنه الإدارية .
- (2) يعد مقرر المجلس تقريراً عن أداء المجلس مرة في العام، أو متى ما طلب منه رئيس المجلس ذلك ، ويرفعه للمجلس .

#### تشكيل اللجنة الفنية العليا

11- تُشكّل لجنة تسمى " لجنة الأمن الفنية العليا "، وذلك على النحو الآتي :

- (أ) المدير ، رئيساً
- (ب) النائب الأول للمدير ، نائباً للرئيس
- (ج) مدير هيئة المخابرات والأمن بالقوات المسلحة ، عضواً
- (د) مدير عام شرطة السودان ، عضواً
- (هـ) مدير هيئة الاستخبارات بالجيش الشعبي ، عضواً
- (و) مفتش عام شرطة جنوب السودان ، عضواً
- (ز) وكيل وزارة العدل ، عضواً
- (ح) وكيل وزارة الخارجية ، عضواً
- (ط) وكيل وزارة الشؤون القانونية والتنمية الدستورية بالجنوب ، عضواً
- (ي) قائد الوحدات المشتركة المدمجة ، عضواً
- (ك) أحد ضباط الجهاز حسبما يختاره رئيس اللجنة . عضواً ومقرراً

#### إختصاصات اللجنة الفنية العليا

- 12- (1) تختص اللجنة الفنية العليا بالآتي :
- (أ) وفقاً للمعلومات المتوفرة أن تقدم لمجلس الأمن الوطني مقترحات وتوصيات بشأن الأحداث والأوضاع المتعلقة بأمن السودان الداخلي والخارجي ،
  - (ب) تنبيه مجلس الأمن الوطني مبكراً بالمهددات المباشرة أو غير المباشرة ، سواء كانت سياسية أو عسكرية أو إقتصادية ،
  - (ج) تنسيق الخطط الأمنية للأجهزة المختصة المختلفة ،
  - (د) دراسة الخطط الأمنية المقدمة من لجان الأمن والأجهزة المختصة، ورفعها للمجلس لإجازتها ومتابعة تنفيذها، وتلقي التقارير بشأنها ،
  - (هـ) التنسيق بين أعمال لجان الأمن وفقاً للخطط الأمنية التي يضعها المجلس .

(2) ترفع اللجنة تقاريرها الفنية للمجلس خلال دورة انعقاده .

#### اجتماعات اللجنة الفنية العليا

- 13- (1) تجتمع اللجنة بدعوة من رئيسها في التاريخ والمكان الذي يحدده ، ويكون مقرها أحد ضباط الجهاز يختاره رئيس اللجنة .
- (2) يجوز للجنة دعوة من تراه مناسباً لحضور جلساتها .

#### إنشاء لجنة أمن جنوب السودان

- 14- (1) تنشأ في جنوب السودان لجنة تسمى "لجنة أمن جنوب السودان" ، تتكون من :
- (أ) رئيس حكومة جنوب السودان ، رئيساً

- (ب) نائب رئيس حكومة جنوب السودان ، نائباً للرئيس
- (ج) مستشار رئيس حكومة جنوب السودان
- للشؤون الأمنية ، عضواً
- (د) وزير شؤون الجيش الشعبي لتحرير السودان ، عضواً
- (هـ) وزير الشؤون الداخلية ، عضواً
- (و) وزير المالية والتخطيط الاقتصادي ، عضواً
- (ز) وزير التعاون الإقليمي ، عضواً
- (ح) وزير الشؤون القانونية والتنمية الدستورية
- بجنوب السودان ، عضواً
- (ط) رئيس هيئة أركان الجيش الشعبي
- لتحرير السودان ، عضواً
- (ي) مفتش عام شرطة جنوب السودان ، عضواً
- (ك) قائد الوحدات المشتركة المدمجة ، عضواً
- (ل) المدير ، عضواً
- (م) مدير أمن جنوب السودان عضواً ومقرراً
- (2) يجوز لرئيس لجنة أمن جنوب السودان دعوة أي شخص لحضور جلسة أو جلسات اللجنة للإدلاء برأيه في أي مسألة قيد نظر اللجنة، على ألا يحق له التصويت .

#### إختصاصات لجنة أمن جنوب السودان

- 15- (1) تكون للجنة أمن جنوب السودان كافة إختصاصات مجلس الأمن الوطني المذكورة في المادة 8 ، وذلك على نطاق جنوب السودان في إطار الإستراتيجيات والسياسات الأمنية التي يقرها مجلس الأمن الوطني .
- (2) ترفع لجنة أمن جنوب السودان تقارير دورية لمجلس الأمن الوطني عن أدائها وإنفاذها لقراراته وتوصياته .
- (3) تكون للجنة أمن جنوب السودان سكرتارية تسمى السكرتارية الفنية للجنة أمن جنوب السودان .
- (4) تصدر لجنة أمن جنوب السودان لائحة داخلية لتنظيم أعمالها وإجتماعاتها .

#### إجتماعات لجنة أمن جنوب السودان

- 16- (1) تعقد لجنة أمن جنوب السودان إجتماعات دورية .
- (2) يجوز لرئيس اللجنة دعوتها للإنعقاد الطارئ في أي وقت .
- (3) يُعد مقرر اللجنة جدول الأعمال بالتشاور مع رئيس اللجنة .
- (4) تتخذ اللجنة قراراتها بالتوافق .

#### تكوين اللجنة الفنية وإختصاصاتها

- 17- (1) تتكون اللجنة الفنية من ممثلي الأجهزة الأمنية والجهات المُشكلة للجنة أمن جنوب السودان برئاسة مقرر لجنة أمن جنوب السودان .
- (2) تكون اللجنة الفنية اختصاصات اللجنة الفنية العليا، وذلك في نطاق جنوب السودان في إطار الإستراتيجيات والسياسات الأمنية المقررة من قِبل مجلس الأمن الوطني .
- (3) دون المساس بنص البند (2) ، تقوم اللجنة الفنية بالتنسيق بين أعمال لجان الأمن في ولايات جنوب السودان المختلفة وفقاً للخطط والبرامج الأمنية المُجازة .
- (4) يختار رئيس اللجنة الفنية مقررًا لها .
- (5) تجتمع اللجنة الفنية بدعوة من رئيسها في التاريخ والمكان الذي يحدده، ويجوز لها دعوة من تراه مناسباً لحضور جلساتها .

#### تشكيل لجنة أمن الولاية

- 18- تشكل في كل ولاية لجنة للأمن على الوجه الآتي :
- (أ) والي أو حاكم الولاية ، رئيساً
- (ب) نائب والي أو نائب الحاكم ، نائباً للرئيس
- (ج) مستشار الشؤون الأمنية بالولاية (إن وجد) ، عضواً
- (د) وزير الحكم المحلي بالولاية ، عضواً
- (هـ) وزير المالية بالولاية ، عضواً
- (و) قائد القوات المسلحة/ الجيش الشعبي لتحرير السودان حسبما يكون الحال ، عضواً
- (ز) مدير الشرطة بالولاية ، عضواً
- (ح) قائد الوحدات المشتركة المدمجة بالولاية (إن وجد) ، عضواً
- (ط) وكيل النيابة المختص ، عضواً
- (ي) مدير إدارة الأمن بالولاية . عضواً ومقررًا

#### إختصاصات وسلطات لجنة أمن الولاية

- 19- تكون للجنة أمن الولاية السلطات والإختصاصات الآتية :
- (أ) تكون مسؤولة عن حفظ الأمن بالولاية ،
- (ب) التنسيق بين الأجهزة الأمنية على مستوى الولاية حسبما يكون الحال ،
- (ج) تلقي التقارير الواردة من اللجان الأمنية بالمحليات أو المقاطعات ،
- (د) رفع التقارير الدورية للجنة الأمن الفنية العليا أو اللجنة الفنية بحسب الحال ،
- (هـ) القيام بأي أعمال يوكلها إليها المجلس أو اللجنة الفنية العليا أو اللجنة الفنية بحسب الحال ،

(و) للجنة الحق في تكوين مجموعة عمل فنية من الأجهزة الأمنية بالولاية لمساعدتها في مهامها أو تنفيذ الأعمال التي تكلفها بها .

#### إجتماعات لجنة أمن الولاية

- 20— (1) تعقد لجنة أمن الولاية إجتماعات دورية .  
(2) يجوز للجنة أمن الولاية دعوة من تراه مناسباً لحضور أي من جلساتها إذا رأت ضرورة لذلك .

#### تشكيل لجنة أمن المحلية أو المقاطعة

- 21— (1) تشكل لجنة أمن المحلية أو المقاطعة على الوجه الآتي :
- (أ) المعتمد أو المحافظ ، رئيساً
  - (ب) القائد العسكري ، عضواً
  - (ج) مدير الشرطة ، عضواً
  - (د) وكيل النيابة المختص في المحلية أو المقاطعة ، عضواً.
  - (هـ) رئيس وحدة الأمن عضواً ومقرراً
- (2) في حالة عدم وجود رئيس وحدة أمن بالمحلية أو المقاطعة يكون مدير شرطة المحلية أو المقاطعة عضواً أو مقرراً .

#### إختصاصات لجنة أمن المحلية أو المقاطعة

- 22— تكون لجنة أمن المحلية أو المقاطعة مسؤولة عن الآتي :
- (أ) حفظ الأمن بالمحلية أو المقاطعة ،
  - (ب) التنسيق بين الأجهزة الأمنية على مستوى المحلية أو المقاطعة ،
  - (ج) رفع التقارير الدورية للجنة أمن الولاية ،
  - (د) أية موضوعات أخرى تكلفها بها لجنة أمن الولاية.

#### إجتماعات لجنة أمن المحلية أو المقاطعة

- 23— (1) تعقد اللجنة إجتماعات دورية .  
(2) يجوز للجنة دعوة من تراه مناسباً لحضور أي من إجتماعاتها إذا رأت ضرورة لذلك .

#### الفصل الثالث

#### إختصاصات وسلطات الجهاز ورتب الأعضاء

#### إختصاصات الجهاز

- 24— يختص الجهاز بالآتي :

- (أ) حفظ أمن السودان القومي وحماية دستوره ونسيجه الإجتماعي وسلامة مواطنيه من أي خطر داخلي أو خارجي ،
- (ب) جمع المعلومات المتعلقة بأمن السودان الداخلي والخارجي وتحليلها وتقييمها، والتوصية باتخاذ التدابير الوقائية اللازمة ،
- (ج) البحث والتحري للزمن للكشف عن أي أوضاع أو وقائع أو مناسبات أو عناصر يكون من شأنها المساس بأمن السودان القومي وسلامته وفقاً لأحكام هذا القانون ،
- (د) تقديم الرأي والنصح والمشورة والخدمات في المجالات الأمنية والاستخباراتية لأجهزة الدولة المختلفة، بما يحقق تأمين وسلامة الدولة ،
- (هـ) الكشف عن الأخطار الناجمة عن النشاط الهدام، في مجالات التجسس والإرهاب والتطرف والتآمر والتخريب ،
- (و) كشف ومكافحة الأنشطة التخريبية للمنظمات أو الجماعات أو الأفراد، أو الدول الأجنبية، أو الجماعات السودانية داخل السودان وخارجه ،
- (ز) التعاون مع الأجهزة المشابهة أو الصديقة في تبادل المعلومات ومكافحة الإرهاب، والأعمال التي تهدد النظام والأمن المشترك، أو أي من مجالات الأمن الخارجي ،
- (ح) حماية الشخصيات الهامة والمرافق العامة، وتأمين المدن بالتنسيق مع القوات النظامية الأخرى ،
- (ط) أي اختصاصات أخرى يكلفه بها رئيس الجمهورية، أو أحد نائبيه، أو المجلس على أن لا يتعارض ذلك مع الدستور .

#### سلطات الجهاز

25- بعد الإطلاع على وثيقة الحقوق الواردة في دستور جمهورية السودان الانتقالي لسنة 2005 يمارس

الجهاز السلطات الآتية وفق أحكام القانون :

- (أ) طلب المعلومات أو البيانات أو الوثائق أو الأشياء من أي شخص والإطلاع عليها، أو الاحتفاظ بها ، أو اتخاذ ما يراه ضرورياً أو لازماً بشأنها ،
- (ب) استدعاء الأشخاص واستجوابهم وأخذ أقوالهم ،
- (ج) الرقابة والتحري والتفتيش ،
- (د) حجز الأموال وفقاً للقانون ،
- (هـ) قبض وحجز الأفراد وفقاً لما هو وارد بالمادة 50 .

#### رتب الأعضاء

26- (1) تكون رتب الضباط في الجهاز كالآتي :

- (أ) فريق أول أمن ،
- (ب) فريق أمن ،
- (ج) لواء أمن ،
- (د) عميد أمن ،
- (هـ) عقيد أمن ،
- (و) مقدم أمن ،
- (ز) رائد أمن ،
- (ح) نقيب أمن ،
- (ط) ملازم أول أمن ،
- (ي) ملازم أمن .

(2) تكون الرتب الأخرى في الجهاز كالآتي :

- (أ) مساعد أمن ،
- (ب) رقيب أول أمن ،
- (ج) رقيب أمن ،
- (د) عريف أمن ،
- (هـ) وكيل عريف أمن ،
- (و) جندي أمن .

## الفصل الرابع إدارة الجهاز

### تعيين المدير واختصاصاته

27— (1) يعين رئيس الجمهورية وبعد التشاور في رئاسة الجمهورية ، مديراً للجهاز ، ويحدد مخصصاته وإمتهاداته .

(2) يختص المدير بالآتي :

- (أ) مباشرة كل المسائل التنفيذية والفنية والإدارية المتعلقة بالجهاز، أو بأعضائه ، وله في سبيل ذلك إصدار التوجيهات والأوامر والقرارات اللازمة لتنظيم الجهاز، وتنظيم سير العمل به ،
  - (ب) تأمين نظام عمليات الجهاز ورعاية تطوره وترقية أدائه ،
  - (ج) تمثيل الجهاز ورعاية علاقاته بالجهات الأخرى ،
  - (د) رفع التقارير والتوصيات الدورية والطارئة لرئيس الجمهورية ،
- (3) يكون المدير مسؤولاً لدى رئاسة الجمهورية عن تنفيذ اختصاصاته وعن أداء الجهاز .

### تعيين النائب الأول للمدير وتحديد اختصاصاته

28— (1) يعين رئيس الجمهورية بعد التشاور في رئاسة الجمهورية، نائباً أول للمدير، بناءً على توصية المدير ويحدد مخصصاته وإمتهاداته.

- (2) يختص النائب الأول للمدير بالآتي :
- (أ) مباشرة إختصاصات وسلطات المدير المنصوص عليها في هذا القانون عند غيابه ،
- (ب) ممارسة الإختصاصات والسلطات الممنوحة له ، بموجب أحكام هذا القانون أو ما يوكله إليه المدير ،
- (ج) مساعدة المدير في إدارة الجهاز ومراقبة سير أدائه .

#### تعيين نواب المدير

- 29— (1) يُعين رئيس الجمهورية وبعد التشاور في رئاسة الجمهورية ، وبناءً على توصية المدير نواباً للمدير ، ويحدد مخصصاتهم وإمتيازاتهم .
- (2) يحدد المدير إختصاصات النواب .
- (3) يعمل نواب المدير على مساعدته في إدارة الجهاز .

#### روح العمل بالجهاز

- 30— يعمل المدير ونائبه الأول والنواب في قيادتهم للجهاز ، ومباشرتهم لمهامهم المنصوص عليها في هذا القانون بروح الزمالة والتوافق والتشاور .

#### تعيين شاغلي الوظائف وإختصاصاتهم

- 31— يعين المدير من يشغلون الوظائف وذلك وفق الهيكل التنظيمي والوظيفي المُجاز للجهاز، وتحدد اللوائح إختصاصاتهم .

#### شروط تعيين الأعضاء

- 32— يشترط في الشخص الذي يعين في الجهاز أن :
- (أ) يكون سوداني الجنسية بالميلاد ،
- (ب) يكون كامل الأهلية ،
- (ج) يكون متصفاً بالإستقامة والأمانة والخُلق القويم والسمعة الطيبة ،
- (د) لا يكون قد أدين في جريمة مخلة بالشرف والأمانة ،
- (هـ) تتوفر فيه المتطلبات الطبية والعلمية .

#### تعيين الضباط والرُتب الأخرى

- 33— (1) يعين رئيس الجمهورية وبتوصية من المدير الضباط وفقاً لأحكام هذا القانون واللوائح والأوامر الصادرة بموجبه .
- (2) يعين المدير أشخاصاً لائقين لملء الوظائف الشاغرة بالرتب الأخرى، وذلك وفقاً لأحكام هذا القانون واللوائح والأوامر الصادرة بموجبه .

- (3) لا يعتبر معيناً وفقاً لأحكام البندين (1) و(2) ، أي شخص تقاضي أي مال من الجهاز دون استيفاء شروط التعيين وفقاً لأحكام المادة 32 .

#### القسم

- 34— (1) يؤدي كل من المدير ونوابه عند تعيينهم قسماً بالصيغة الواردة في الجدول الملحق بهذا القانون أمام رئاسة الجمهورية .
- (2) يؤدي الضباط في الجهاز ذات القسم أمام رئيس الجمهورية .
- (3) يؤدي بقية الأعضاء ذات القسم أمام المدير .

#### تعيين الضباط الجدد وتثبيتهم في الخدمة

- 35— (1) يعين تحت الاختبار كل ضابط جديد وذلك لمدة سنتين، تبدأ من تاريخ صدور أمر التعيين ، ويجوز للمدير أن :
- (أ) يخفض تلك المدة بما لا يقل عن سنة واحدة إذا توفرت لدى الضابط المعني خدمة سابقة مشابهة وحميدة ، أو مؤهل علمي بدرجة امتياز، أو كان أدائه ممتازاً،
- (ب) يفصل الضابط المعني إذا اتضح عدم صلاحيته للخدمة بالجهاز .
- (2) كل ضابط يقضي بنجاح مدة الإختبار المذكورة في البند (1) يثبت تلقائياً في الخدمة المستديمة في الجهاز .

#### ندب الأشخاص

- 36— (1) (أ) يجوز للمدير ندب أي شخص للعمل بالجهاز ، وذلك بموافقة المنتدب والجهة التي يتبع لها، لمدة سنتين قابلة للتجديد، يخير بعدها الشخص المنتدب بين الانتقال نهائياً للجهاز، أو العودة للجهة التي ندب منها ،
- (ب) يجوز ندب أي عضو لأي جهة أخرى حسب اللوائح .
- (2) يعتبر الشخص المنتدب خلال فترة الندب عضواً بالجهاز، ويطبق عليه ما يطبق على من هم في رتبته من الأعضاء المعيّنين بالجهاز .
- (3) على الرغم من أحكام البند (1) يجوز للمدير أن ينهي ندب الشخص المنتدب إذا اقتضت ذلك مصلحة العمل بالجهاز، على أن يقوم المدير في هذه الحالة بإخطار ذلك الشخص والجهة التي يتبع لها قبل ثلاثين يوماً من تاريخ إنهاء الندب ما لم تكن هناك أسباب تحتم الإنهاء الفوري له .

#### إستخدام الأشخاص كمتعاونين

- 37— (1) يجوز للمدير إستخدام أي شخص كمتعاون بالجهاز ، وذلك بالشروط التي يحددها ووفق اللوائح الصادرة بموجب أحكام هذا القانون .

- (2) يجوز للمدير أن ينهي خدمات أي متعاون في أي وقت، على أن يقوم بإخطاره فوراً بذلك ،  
واتخاذ الإجراءات اللازمة نحو إنهاء خدماته .

#### نقل الأعضاء

- 38— (1) يجوز لرئيس الجمهورية بناءً على توصية المدير أن ينقل أي من أعضاء الجهاز نقلاً  
نهائياً إلى أي قوة نظامية أخرى ، أو أي جهاز من أجهزة الخدمة العامة .  
(2) يجوز لرئيس الجمهورية بناءً على توصية المدير أن ينقل لعضوية الجهاز أي من العاملين  
في أي قوة نظامية أخرى، أو أي جهاز من أجهزة الخدمة العامة.

#### الأقدمية

- 39— يحفظ المدير قوائم أقدميه الأعضاء بالكيفية التي تحددها اللوائح التي تضمن سربيتها وحقوق أولئك  
الأعضاء .

#### الرواتب والمخصصات والإمتيازات

- 40— (1) تحدد اللوائح المالية والمحاسبية رواتب ومخصصات وإمتيازات الأعضاء وفقاً لما يلي :  
(أ) هيكل رواتب الأعضاء وأجورهم ودرجات ربطها ،  
(ب) المخصصات والإمتيازات والعلاوات والبدلات وشروط منحها  
للأعضاء، والتصديق عليها وفقاً لموازنة الجهاز المصدق بها .  
(2) يصدق المدير على العلاوات الدورية للضباط والرُتب الأخرى .  
(3) لا يجوز حجز رواتب الأعضاء أو أجورهم أو إستحقاقاتهم الأخرى من علاوات وبدلات  
ومخصصات وإمتيازات أو مقاصاتها ، إلا للوفاء بدين ثابت للحكومة ، أو تنفيذاً لحكم  
صادر من محكمة مختصة على أن يكون ذلك في حدود الربع .

#### التدريب

- 41— تحدد اللوائح الأسس والمبادئ والخطط والمستويات التي تحكم برنامج تدريب الأعضاء.

#### الترقّيات

- 42— (1) تحدد اللوائح شروط إختيار الأعضاء للترقّي وكيفية الإختيار .  
(2) تتم إجازة ترقّيات الضباط بقرار من رئيس الجمهورية بناءً على توصية بذلك من المدير .  
(3) تتم إجازة ترقّيات الرُتب الأخرى بموجب قرار يصدره المدير .

#### الإحالة إلى الإستيداع

- 43— (1) يجوز للمدير أن يحيل إلى الإستيداع أيّاً من الضباط لمدة لا تتجاوز سنة لأي من  
الأسباب الآتية ، إذا :  
(أ) كان أداؤه لأي من واجباته بصورة غير مرضية ،

(ب) قررت لجنة طبية أنه قد أصبح غير لائق للخدمة أو مصاب بضعف يؤثر على أدائه .

(2) يقوم المدير وقبل إنتهاء مدة الإستيداع المنصوص عليها في البند (1) ، بتشكيل لجنة للتحقيق في أسباب الأمر بإحالة الضابط المعني إلى الإستيداع، والتقدم بالتوصية بشأن إعادته للخدمة أو إحالته للتقاعد .

(3) يلتزم الضابط المحال إلى الإستيداع وفقاً لأحكام البند (1) بأن :  
(أ) يخضع لأحكام هذا القانون واللوائح والأوامر الصادرة بموجبه ،  
(ب) يخطر رئاسته كتابةً بمكان إقامته، وبأي تغيير يطرأ على ذلك المكان.

#### أثر الإحالة إلى الإستيداع

44- على الرغم من إحالة الضابط إلى الاستيداع وفقاً لأحكام المادة 43 :  
(أ) يصرف له ثلثا راتبه على أن يخضع ذلك الجزء من الراتب لاستقطاع المعاش،

(ب) تحسب مدة الاستيداع ضمن سنين خدمته الفعلية ،  
(ج) يجوز للمدير أن يأمر في ضوء التوصية المقدمة من لجنة التحقيق التي يتم تشكيلها وفقاً لأحكام المادة 43 بأن يستمر الضابط في الخدمة أو يوصى لرئيس الجمهورية بإحالته للتقاعد .

#### الإيقاف عن العمل

45- (1) إذا وجهت ضد عضو تهمة لمخالفة أحكام هذا القانون ، أو أقيمت ضده أي إجراءات جنائية، فيجوز للمدير أن يصدر أمراً مكتوباً بوقفه عن العمل، إذا كان ذلك في مصلحة العمل على أن يكون أمر الإيقاف بالنسبة إلى الضابط برتبة المقدم فأعلى من إختصاص المدير وحده، وأن يخطر العضو المعني بأسباب الإيقاف .

(2) في حالة تعلق أمر الإيقاف بالمدير أو أي من نوابه يصدر القرار من رئيس الجمهورية .

(3) إذا صدر أمر الإيقاف وفقاً لأحكام البند (1) لسبب غير تحريك الإجراءات الجنائية ضد العضو المعني، فيجب على المدير تشكيل لجنة لإجراء التحقيق مع العضو الموقوف حول التهمة أو التهم الموجه ضده، ويقرر المدير على ضوء نتيجة التحقيق المذكور مصير ذلك العضو، إما إتخاذ الإجراءات ضده وفقاً لأحكام القانون، أو إلغاء الأمر .  
(4) تحدد اللوائح كيفية الإيقاف المنصوص عليه في البند (1) .

#### التظلم والشكوى

46- يجوز لأي من الأعضاء أن يرفع تظلمه أو شكواه للضابط الأعلى المباشر وفقاً للوائح.

#### إنتهاء الخدمة

47- (1) تنتهي خدمة العضو من الضباط بقرار من رئيس الجمهورية، بناءً على توصية من المدير، لأي من الأسباب الآتية :

- (أ) بلوغه سن التقاعد ،
- (ب) قبول الاستقالة ،
- (ج) شغله منصباً دستورياً ،
- (د) إبعاده من الخدمة إذا أصبح بقاءه في الجهاز غير مرغوب فيه ،
- (هـ) فقدانه لشرط من شروط الأهلية أو التعيين ،
- (و) صدور حكم قضائي من محكمة الجهاز بفصله ،
- (ز) صدور حكم قضائي ضده بالسجن وأي عقوبة حدية أخرى ،
- (ح) وفاته أو إستشهاده ،

(2) تنتهي خدمة العضو من الرتب الأخرى بقرار من المدير لأي من الأسباب الآتية :

- (أ) بلوغه سن التقاعد ،
- (ب) إنهاء عقد خدمته ،
- (ج) شغله منصباً دستورياً ،
- (د) فقدانه لشرط من شروط الأهلية أو التعيين ،
- (هـ) صدور حكم قضائي ضده بالسجن ،
- (و) قبول الإستقالة ،
- (ز) إبعاده من الخدمة إذا أصبح بقاءه في الجهاز غير مرغوب فيه،
- (ح) وفاته أو إستشهاده ،
- (ط) صدور حكم قضائي من محكمة الجهاز بفصله .

#### فوائد ما بعد الخدمة

48- يطبق على ضباط وضباط صف وجنود الجهاز، قانونا معاشات ضباط وضباط صف القوات المسلحة إلى أن يصدر قانون معاشات خاص بالجهاز .

#### واجبات العضو

49- (1) يجب على كل عضو أن :

- (أ) يخصص كل وقته ونشاطه لأداء جميع الواجبات المنصوص عليها في هذا القانون واللوائح والأوامر الصادرة بموجبه، وان يؤدي بنفسه كل واجب أو عمل يوكل إليه شخصياً بدقة وأمانة، وأن يتحمل مسئولية الأوامر التي تصدر منه، وأن يطيع في جميع الأوقات وفي حدود واجباته كل أمر قانوني صادر إليه من الضابط الأعلى ، وأن يبذل أقصى جهده لتنفيذه ،

- (ب) يكون قدوة لغيره في السلوك والخلق القويم، ومراقبة الله في العمل ، وأن يحافظ على كرامة وظيفته، وان يسلك في جميع تصرفاته المسلك الذي يتفق والاحترام الواجب لها ،
- (ج) يعتبر نفسه في الخدمة على مدى الأربع وعشرين ساعة، وأن يقيم في محطة عمله ولا يقيم خارجها إلا لأسباب يوافق عليها المدير ،
- (د) يحافظ على كرامة الإنسان وعزته، والحفاظ على حقوقه الأساسية دون إهانة ،
- (هـ) يحترم التنوع الديني والثقافي في السودان .
- (2) لا يجوز لأي عضو أن :
- (أ) يحتفظ لنفسه بأصل محرر رسمي أو أي نسخة منه ، أو ينزع ذلك الأصل أو تلك النسخة من الملفات التي يحتفظ بأي منها حتى ولو كان ذلك المحرر متعلقاً بأي عمل تم تكليفه به ،
- (ب) يفضي بأي معلومات أو يكشف أي مسائل سرية بطبيعتها أو تعتبر كذلك بموجب تعليمات خاصة ما لم يكن مصرحاً له بذلك .

#### سلطات الأعضاء والمدير والمجلس

- 50- (1) بعد الإطلاع على أحكام المادتين 29 و 37 من دستور جمهورية السودان الإنتقالي لسنة 2005 تكون لكل عضو يحدد المدير بموجب أمر منه، وفي سبيل تنفيذ الإختصاصات الواردة في هذا القانون :
- (أ) أي من السلطات المنصوص عليها في المادة 25 ،
- (ب) التفتيش بعد الحصول على أمر مكتوب من المدير ،
- (ج) سلطات رجل الشرطة المنصوص عليها في قانون شرطة السودان وقانون الإجراءات الجنائية ،
- (د) ممارسة أي سلطات قانونية تكون ضرورية لتنفيذ أحكام هذا القانون،
- (هـ) قبض أو حجز أي شخص مشتبه فيه لمدة لا تزيد عن ثلاثين يوماً مع إخطار ذويه فوراً ،
- (و) بعد انقضاء مدة الثلاثين يوماً المشار إليها في الفقرة (د) ، وإذا كانت هناك أسباب معقولة تقتضي المزيد من التحري والتحقيق وبقاء الشخص المحتجز رهن الحراسة، على العضو رفع الأمر للمدير والتوصية بما يراه مناسباً ،
- (ز) يجوز للمدير تجديد الحبس لمدة لا تتجاوز الخمسة عشر يوماً لإكمال التحري والتحقيق ،
- (ح) إذا تبين للمدير أن بقاء الشخص رهن الحراسة ضروري لإكمال التحري والتحقيق لارتباط الاتهام بما يهدد أمن وسلامة المواطن وترويع المجتمع عن طريق النهب المسلح أو الفتنة الدينية أو العنصرية

أو الإرهاب أو تخريب السلام أو ممارسة العنف السياسي أو التخابر  
ضد الوطن عليه أن يرفع الأمر للمجلس الذي يجوز له مد فترة الحبس  
لمدة لا تتجاوز الثلاثة أشهر ،

( ط ) مع مراعاة الحالات المشار إليها في الفقرات ( و ) ( ز ) ( ح ) على  
سلطات الجهاز إخطار وكيل النيابة المختص وتسليمه المشتبه فيه وكافة  
المستندات وملحقاتها لتكملة الإجراءات وفي حالة عدم وجود بيئة مبدئية  
يجب على الجهاز إطلاق سراح المشتبه فيه .

(2) لأغراض هذه المادة، على الجهاز مراعاة نص المادة 33 من الدستور القومي الانتقالي

لسنة 2005 .

(3) يصدر المدير الأوامر المستديمة اللازمة لتنظيم ممارسة السلطات الواردة في البند (1) .

### حقوق الموقوف أو المقبوض أو المعتقل

- 51- (1) يجب أن يبلغ الشخص عند إيقافه أو القبض عليه، أو اعتقاله بالأسباب الداعية لذلك .
- (2) يكون للشخص الموقوف أو المقبوض أو المعتقل الحق في إبلاغ أسرته، أو الجهة التي  
يتبع لها باعتقاله، ويسمح له بالاتصال بأسرته أو محاميه، إذا كان ذلك لا يضر بسير  
الإستجواب والتحري والتحقيق في القضية .
- (3) يعامل المقبوض أو الموقوف أو المعتقل بما يحفظ كرامة الإنسان، ولا يجوز إيذائه بدنياً أو  
معنوياً، وتتّظم اللوائح كيفية حفظ وتسليم أماناته .
- (4) يكون للمعتقل الحق في الحصول على قدر إضافي من المواد الغذائية والثقافية والملابس  
على نفقته الخاصة، مع مراعاة الظروف المتعلقة بالأمن والنظام بالحراسات .
- (5) لا يجوز إبقاء المعتقلات من النساء إلا في الحراسات المخصصة للنساء، ويجب معاملتهن  
معاملة تليق بوضعهن كنساء .
- (6) يسمح لأسرة المعتقل بزيارته وفقاً للوائح المنظمة لذلك .
- (7) للشخص المعتقل الحق في الرعاية الطبية .
- (8) يجب على وكيل النيابة المختص أن يتفقد حراسات المعتقلين بصفة مستمرة، للتأكد من  
مراعاة ضوابط الإعتقال ، وإستلام أي شكوى من معتقلين في هذا الشأن .
- (9) تفصل اللوائح الشروط الواجب توفرها في الحراسة، وسائر الإجراءات والمسائل التي  
تكفل الحفاظ على كرامة المقبوض عليه .
- (10) يكون لأي محتجز الحق في اللجوء للمحكمة إذا بقي في الحجز أو الاعتقال أكثر من المدد  
المحددة في المادة 50 .

### حصانات الأعضاء والمتعاونين

- 52- (1) لا يعتبر جريمة أي فعل يصدر من أي عضو في الجهاز بحسن نية أثناء أو بسبب أداء  
أعمال وظيفته، أو القيام بأي واجب مفروض عليه، أو عن فعل صادر منه بموجب أي  
سلطة مخولة أو ممنوحة له بمقتضى هذا القانون، أو أي قانون آخر ساري المفعول، أو

- لائحة، أو أوامر صادرة بموجب أي منها، على أن يكون ذلك الفعل في حدود الأعمال أو الواجبات المفروضة عليه وفق السلطة المخولة له بموجب هذا القانون .
- (2) لا يجوز إجبار أي عضو أو متعاون للإدلاء بأي معلومات عن أوضاع الجهاز، أو مناشطه ، أو أعمال يكون قد حصل عليها أثناء تأديته واجبه، إلا بقرار من المحكمة .
- (3) مع عدم الإخلال بأحكام هذا القانون، ودون المساس بأي حق في التعويض في مواجهة الجهاز، لا يجوز اتخاذ أي إجراءات مدنية أو جنائية ضد العضو أو المتعاون، إلا بموافقة المدير، ويجب على المدير إعطاء هذه الموافقة متى إتضح أن موضوع المساءلة غير متصل بالعمل الرسمي ، على أن تكون محاكمة أي عضو أو متعاون أمام محكمة جنائية سرية أثناء خدمته، أو بعد انتهائها فيما يقع منه من فعل .
- (4) مع مراعاة أحكام المادة 46 ، ودون المساس بأي حق في التعويض في مواجهة الجهاز، لا يجوز اتخاذ أي إجراءات مدنية أو جنائية ضد العضو في أي فعل متصل بعمل العضو الرسمي إلا بموافقة المدير العام، ويجب على المدير العام إعطاء هذه الموافقة متى ما اتضح أن موضوع المساءلة غير متصل بأعمال الجهاز .
- (5) تكون سرية أي محاكمة أمام محكمة عادية لأي عضو أثناء الخدمة، أو بعد انتهائها فيما يقع منه من فعل متصل بعمله الرسمي، ما لم تقرر المحكمة خلاف ذلك .
- (6) يتمتع المتعاونون بذات الحصانات المنصوص عليها في هذه المادة .

### حظر الحجز

53— لا يجوز الحجز على عقارات الجهاز أو منقولاته إلا بحكم قضائي .

### الفصل الخامس

#### الجرائم والعقوبات والمخالفات والجزاءات

#### الجرائم والعقوبات

#### مدي إنطباق أحكام القانون الجنائي على الأعضاء

- 54— (1) إذا ارتكب أي عضو جريمة مخالفة لأحكام هذا القانون ، وكانت الجريمة المرتكبة في ذات الوقت جريمة وفقاً لأحكام القانون الجنائي الساري، فيعاقب العضو المذكور بموجب أحكام هذا القانون ، ويجوز للمدير لأسباب موضوعية إحالته للمحاكمة أمام المحكمة المختصة .
- (2) مع مراعاة أحكام البند (1) تطبق أحكام القوانين الأخرى السارية على الأعضاء في حالة إرتكابهم لأي جريمة بالمخالفة لها وغير منصوص عليها في هذا القانون .

#### عقوبة الجرائم المتعلقة بالعدو

- 55— (1) يعاقب بالإعدام أو بالسجن المؤبد ، كل عضو يرتكب أي من الأفعال الآتية :
- ( أ ) يترك أو يسلم بصورة مخزية أي نقطة، أو مركز، أو مكان للحراسة يكون من واجبه الدفاع عنه ،

(ب) يلقي أو يسلم بصورة مخزية سلاحه أو ذخيرته ، أو آلاته أو معداته في حضور العدو ،

(ج) ينقل للعدو بطريقة مباشرة أو غير مباشرة، أي أخبار تتعلق بأمن البلاد ، أو يساعده بطريق مباشر أو غير مباشر في الوصول لذلك ،

(د) يهمل التبليغ الفوري لرئيسه، أو لأي ضابط آخر عما نما إلى علمه من أفعال، أو يعلم به من مكاتبات أو صلات مباشرة أو غير مباشرة يقوم بها أي شخص من العدو .

(2) لأغراض هذه المادة، العدو هو الشخص الطبيعي أو الاعتباري الذي يكون في حالة حرب مع البلاد، أو يهدد أمنها، أو يقوم بأعمال تخريبية، أو إرهابية ضد الدولة .

#### عقوبة جرائم التآمر والتمرد

56— يُعاقب بالإعدام أو بالسجن المؤبد كل عضو يرتكب أيّاً من الأفعال الآتية :

(أ) يشرع في التآمر مع أي عضو أو أعضاء آخرين على التمرد، أو يثيره أو يشترك أو يتسبب فيه ،

(ب) يكون حاضراً أي تمرد ولا يبذل فيه أقصى جهده لقمعه ،

(ج) يكون عالماً أو يتوافر لديه سبب يدعو للاعتقاد بأن تمرداً أو نية للقيام به ، أو أي مؤامرة ضد النظام الدستوري القائم ، ولا يقوم بالتبليغ عن ذلك .

#### عقوبة تعريض أمن البلاد الداخلي أو

##### الخارجي أو الجهاز للخطر

57— يعاقب بالإعدام أو السجن المؤبد كل عضو يقوم عمداً بارتكاب فعل، أو يمتنع عن القيام بذلك بقصد تعريض أمن البلاد الداخلي أو الخارجي أو الجهاز للخطر .

#### عقوبة الإهمال في أداء الواجب

58— يعاقب بالسجن لمدة لا تجاوز العشر سنوات، أو بالغرامة، أو بالعقوبتين معاً، كل عضو يرتكب أيّاً من الأفعال الآتية :

(أ) يهمل التبليغ الفوري لرئيسه، أو أي ضابط أعلى عما نما إلى علمه من معلومات تتعلق باختصاصات الجهاز ،

(ب) يهمل إهمالاً شنيعاً ، أو يفرط في أي من الواجبات المنصوص عليها في هذا القانون .

#### عقوبة إساءة ممارسة السلطات واستغلال الوظيفة

59— يعاقب بالسجن مدة لا تتجاوز العشر سنوات، أو بالغرامة، أو بالعقوبتين معاً، كل عضو يسيء ممارسة السلطات المخولة له بمقتضى أحكام هذا القانون، أو يستغل وظيفته في الجهاز، بقصد تحقيق أي نفع مادي أو معنوي لشخصه، أو لغيره، أو تسبب أي ضرر للغير .

### عقوبة الحصول على الكسب غير المشروع

#### والإدلاء ببيان كاذب

60— يعاقب بالسجن مدة لا تتجاوز عشر سنوات، أو بالغرامة أو بالعقوبتين معاً، كل عضو يرتكب أيًا من الأفعال الآتية :

- (أ) يحصل لنفسه أو لغيره على علاوة أو معاش، أو منفعة أو مال، أو إمتياز، عن طريق تقديم بيانات كاذبة، أو يعلم أنها غير صحيحة،
- (ب) يدلي عمداً لأي شخص أو جهة مختصة ببيان أو تقرير كاذب، عن عدد أي أعضاء تحت رئاسته أو مسؤوليته، أو عن حالتهم، أو مقدار أي مال أو أدوات، أو مهمات، أو معدات، أو آلات، أو ملبوسات، أو أسلحة شخصية تحت عهده، سواء كان ذلك المال أو الأدوات أو الملبوسات أو أسلحة شخصية خاصة بأولئك الأعضاء، أو الجهاز، أو أي شخص ملحق به أو يغفل عمداً إرسال بيان أو تقرير بشأن أي من الأشياء المذكورة أو يرفض إرساله .

### عقوبة قبول المنفعة والمقابل غير المشروع

61— يعاقب بالسجن مدة لا تتجاوز خمس سنوات، أو بالغرامة أو بالعقوبتين معاً، كل عضو يقبل بطريق مباشر أو غير مباشر أي منفعة أو مقابل سواء لنفسه أو لغيره، أو يحصل على تلك المنفعة أو المقابل المذكور، أو يوافق على ذلك نظير قبول أي شخص في خدمة الجهاز، أو التساهل في قبول أي أدوات أو مهمات أو أسلحة أو ذخيرة لإدارة تحت سيطرته .

### عقوبة التصرف في الأسلحة والذخيرة والمهمات الأخرى

62— يعاقب بالسجن مدة لا تتجاوز عشر سنوات، أو بالغرامة، أو بالعقوبتين معاً، كل عضو يتصرف أو يأذن بالتصرف دون وجه حق في أسلحة أو ذخيرة أو أدوات، أو مهمات أو معدات، أو آلات أو ملبوسات، تكون قد صرفت له لاستخدامها في أداء واجباته، أو تحت مسؤوليته، أو عهده، أو حراسته .

### عقوبة جرائم الأموال

63— يعاقب بالسجن مدة لا تتجاوز عشر سنوات، أو بالغرامة أو بالعقوبتين معاً، كل عضو يرتكب أي من الأفعال الآتية :

- (أ) يستولي بسوء قصد أو يحول لمنفعته الخاصة أي أموال أو أدوات، أو مهمات، أو معدات تكون تحت عهده،

- (ب) يستلم بقصد الاحتفاظ لنفسه أي نقود، أو أموال، أو أدوات، أو مهمات،  
أو معدات ،
- (ج) يستولي على أي ممتلكات تكون قد ارتكبت بشأنها الجريمة، أو يحتفظ  
بها وهو يعلم أو يتوافر لديه سبب يدعو للاعتقاد بأنها كذلك ،
- (د) يلحق الضرر بأي ممتلكات تخص الجهاز، أو يتلفها عمداً أو بسبب  
الإهمال، أو يتصرف فيها بأي من التصرفات الناقلة للملكية أو يضيعها

#### عقوبة الجرائم المتعلقة بالحراسة

- 64— (1) يعاقب كل عضو يرتكب أيّاً من الأفعال الآتية بنفس عقوبة الجريمة التي بموجبها تم  
القبض على العضو أو الشخص :
- (أ) يرفض تسليم أي عضو أو شخص مقبوض أو معتقل، أو يعهد إليه  
حفظه أثناء فترة قيامه بواجب الحراسة لأي جهة رسمية يأذن لها  
القانون في استلامه ،
- (ب) يطلق سراح أي عضو أو شخص في حراسته دون أمر مشروع بذلك ،  
أو يهمل بطريقة تمكن ذلك العضو أو الشخص من الهرب .
- (2) يعاقب بالسجن لمدة لا تتجاوز الخمس سنوات أي عضو يكون موضوعاً تحت الحراسة  
ويهرب منها .

#### عقوبة السلوك المخل بالانضباط

- 65— يعاقب بالسجن لمدة لا تتجاوز خمس سنوات كل عضو يرتكب أي فعل يعتبر وفقاً لأحكام اللوائح  
والأوامر الصادرة بموجب أحكام هذا القانون مخالفاً بالانضباط .

#### عقوبة الإتهام الكاذب والأقوال الكاذبة

- 66— يعاقب بالسجن لمدة لا تتجاوز خمس سنوات كل عضو يرتكب أيّاً من الأفعال الآتية :
- (أ) يوجه أي اتهام كاذب ضد أي عضو آخر ،
- (ب) يدلي بسوء قصد عند تقديم أي شكوى بأي أقوال كاذبة بالنسبة إلى  
واقعة، أو سلوك يتعلق بأي شخص آخر ، أو عضو في الجهاز، أو يتعد  
الإحجام عن تقديم أي معلومات جوهرية في ذلك الشأن .

#### عقوبة الهروب من الخدمة

- 67— (1) يعاقب بالسجن لمدة لا تتجاوز خمس سنوات، أو بالغرامة ، أو بالعقوبتين معاً ، كل عضو  
يهرب من الخدمة ، على ألا تخل هذه العقوبة بأي جزاء يكون عرضة له بموجب أحكام  
هذا القانون .

- (2) لأغراض البند (1) يعتبر هروباً من الخدمة كل عضو يتغيب عن مكان عمله، أو لا يبلغ بعد انتهاء إجازته دون عذر مقبول، إذا تجاوزت مدة غيابه واحداً وعشرون يوماً.

#### معاقبة العضو بعد ترك الخدمة بالجهاز

- 68— (1) يعاقب بالإعدام أو السجن المؤبد كل عضو يحال للتقاعد بالمعاش أو يترك الخدمة بالجهاز لأي سبب إذا أفشى للعدو أي من أسرار الجهاز أو نقل إليه أي معلومات تتعلق بالجهاز تكون قد نمت إلى علمه أثناء خدمته فيه أو بسببها .
- (2) يعاقب بالسجن مدة لا تجاوز عشر سنوات أو بالغرامة أو بالعقوبتين معاً كل عضو ينطبق عليه أحكام البند (1) إذا أفشى الأسرار أو نقل المعلومات المذكورة في ذلك البند لأي شخص .
- (3) كل عضو سبق له العمل بالجهاز ويقوم بانتحال شخصية العضو يعاقب بالسجن مدة لا تجاوز خمس سنوات .

#### عقوبة إستعمال القوة الجنائية ضد الرؤساء

##### وسوء معاملة المروّسين

- 69— يعاقب بالسجن لمدة لا تجاوز ثلاث سنوات، أو بالغرامة، أو بالعقوبتين معاً، أي عضو يستعمل القوة ضد :
- (أ) ضابطه الأعلى أو يتهجم عليه، أو يشرع في ذلك أثناء الخدمة أو خارجها، وهو يعلم أو يتوافر لديه سبب معقول يدعوه للاعتقاد بأنه هو ضابطه الأعلى ،
- (ب) أي من مروّسيه أو يتهجم عليه ، أو يشرع في ذلك .

#### عقوبة الجرائم المتعلقة بمحكمة الجهاز

- 70— يعاقب بالسجن لمدة لا تجاوز سنتين ، أو بالغرامة ، كل عضو يرتكب أيّاً من الأفعال الآتية :
- (أ) يتمتع عمداً عن الحضور بعد إعلانه رسمياً لأداء الشهادة أمام المحكمة، أو يرفض حلف اليمين، أو الإدلاء بأي أقوال، أو الإجابة على أي سؤال، أو إحضار أي مستند، أي شيء آخر أو تسليمه عند طلب ذلك منه ،
- (ب) يدلي بعد حلف اليمين كشاهد أو لدى إستجوابه أمام محكمة الجهاز، أو أي محكمة مختصة أخرى مخولة في تحليف اليمين، أو الاستجواب بأي أقوال كاذبة ، وهو يعلم بذلك أو يعتقد بأنها غير صحيحة ،
- (ج) يعتمد توجيه أي إساءة في محكمة الجهاز أثناء انعقادها، أو إحداث تشويش أو إزعاج فيها، أو استخدام أي لفظ أو إشارة أو أي علامة داخلها، يقصد بها التهديد أو عدم الاحترام ، أو إظهار العنف والعصيان أمامها .

### عقوبة السلوك المشين وغير اللائق

71— يعاقب بالفصل، أو بالغرامة، كل عضو يسلك سلوكاً مشيناً أو غير متفق وكرامة وظيفته والإحترام الواجب لها .

### عقوبة التحريض والإرغام على ارتكاب الجرائم

72— يعاقب كل عضو يحرض آخر أو يرغمه على ارتكاب أي من الجرائم المنصوص عليها في هذا القانون بذات العقوبة المقررة لإرتكاب الجريمة التي حرض العضو الآخر أو أرغمه على ارتكابها .

### المخالفات

73— (1) يعتبر مرتكباً لمخالفة وتوقع عليه الجزاءات الواردة في المادة 74 كل عضو يرتكب أي من الأفعال الآتية :

- (أ) يتأخر عن الخدمة أو العمل أو التمام الذي يعلم به ،
  - (ب) لا يؤدي واجبه بالصورة المطلوبة ،
  - (ج) يترك موقع العمل دون إذن بذلك ،
  - (د) يدلي بأي معلومات خاطئة عن أي عمل يسند إليه ،
  - (هـ) يتردد في إطاعة الأوامر ،
  - (و) يهمل في طاعة أي أمر عام مستديم يصدر وفقاً لأحكام هذا القانون ،
  - (ز) يخل بالانضباط ،
  - (ح) يتلف بإهمال أي أموال، أو أدوات، أو مهمات أو معدات أو آلات أو ملابس ، تكون في عهده أو مستخدمة في الجهاز، أو يلحق بها الضرر أو فقدان بذات الكيفية ،
  - (ط) يتمارض أو يعتمد إطالة مدة علاج ما يصيبه من مرض .
- (2) يعتبر مرتكباً لمخالفة ويوقع عليه الجزاء على ارتكابها بمقتضى أحكام المادة 74 كل عضو يحرض أي عضو آخر، أو يرغمه على ارتكاب أي من المخالفات المنصوص عليها في البند (1) .

### الجزاءات

74— يجوز توقيع أي من الجزاءات الآتية، على كل عضو يرتكب مخالفة تحت المادة 73، وذلك على الوجه الآتي :

- (أ) بالنسبة للضباط :
- (أولاً) النصح المكتوب ،
- (ثانياً) التوبيخ البسيط ،
- (ثالثاً) التوبيخ الشديد ،
- (رابعاً) الحرمان من العلاوة ،

- (خامسا) الحرمان من المرتب الأساسي عن فترة الغياب دون إذن بذلك ،
- (سادسا) الحرمان من الأقدمية لمدة لا تتجاوز سنة واحدة ،
- (سابعا) تخفيض الرتبة ،
- (ثامنا ) الفصل ،
- (تاسعا) الطرد ،
- (ب) بالنسبة للرتب الأخرى :
- (أولا ) النصح المكتوب ،
- (ثانيا ) التوبيخ البسيط ،
- (ثالثا ) التوبيخ الشديد ،
- (رابعا) الخدمة الزائدة ،
- (خامسا) الحرمان من المرتب الأساسي لمدة لا تتجاوز سبعة أيام، أو عن فترة الغياب دون إذن ،
- (سادسا) الإنذار بالفصل ،
- (سابعا) الحجز داخل المعسكر لمدة لا تتجاوز ثمانية وعشرين يوماً،
- (ثامنا ) الحبس لمدة لا تتجاوز ثمانية وعشرين يوماً ،
- (تاسعا) تخفيض الرتبة ،
- (عاشرا) الفصل ،
- (حادى عشر) الطرد .

## الفصل السادس

### محاكم الجهاز

#### إنشاء محاكم الجهاز

75- تُنشأ بالجهاز محكمتان :

- (أ) محكمة غير إجازية لمحاكمة الجرائم الواردة في المواد من 54 إلى 69 ،
- (ب) محكمة إجازية لمحاكمة باقي الجرائم والمخالفات الواردة في هذا القانون .

#### تشكيل محكمة الجهاز

76- (1) تشكّل محاكم الجهاز على النحو الآتي :

- (أ) محكمة الجهاز الإجازية : من ضابط واحد بأمر من المدير على أن يكون أعلى رتبة من المتهم ،

- (ب) محكمة الجهاز غير الإجهازية : من ثلاثة ضباط ونائب أحكام بأمر من المدير، على أن يكون رئيس المحكمة أعلى رتبة من المتهم، ويحوز على خبرة قانونية، ويكون العضوان الآخران في رتبة المتهم أو أعلى منها، على أنه في الجرائم التي يعاقب عليها بالإعدام يجب أن لا تقل رتبة رئيس المحكمة عن رتبة (العقيد أمن) ،
- (ج) في الجرائم المعاقب عليها بالإعدام: تشكل المحكمة بأمر من المدير بعد موافقة رئيس الجمهورية .
- (2) للمتهم حق الاستعانة بمحام أو صديق .

#### إجراءات المحاكم

- 77- (1) تتبع المحاكم غير الإجهازية المشكلة بموجب أحكام هذا القانون في إجراءات المحاكمة ، الإجراءات المنصوص عليها في قانون الإجراءات الجنائية .
- (2) يجب إخطار وزير العدل القومي ، أو وزير الشؤون القانونية والتنمية الدستورية، حسب الحال، قبل تحريك أي إجراءات ضد أي شخص غير عضو بالجهاز لإتهامه بالإشتراك في جريمة وقعت من عضو أو أكثر من أعضاء الجهاز .

#### تأييد أحكام محكمة الجهاز

- 78- (1) تؤيد أحكام محاكم الجهاز :
- (أ) الإجهازية بواسطة النائب الأول للمدير إذا تجاوزت مدة السجن المحكوم بها ثمانية وعشرين يوماً ،
- (ب) غير الإجهازية التي تحاكم الأعضاء من رتبة :  
(أولاً) العقيد فأدني : بواسطة النائب الأول للمدير ،  
(ثانياً) العميد فأعلى : بواسطة المدير .
- (2) يرفع المدير أحكام الإعدام في غير الحدود المؤيدة بواسطة محاكم الإستئناف إلى المحكمة القومية العليا للمراجعة ومن ثم ترفع لرئيس الجمهورية للموافقة .
- (3) تكون أحكام محاكم الجهاز، بنوعها نهائية، وذلك بعد تأييدها بواسطة سلطة التأييد المذكورة في البندين (1) و(2) بحسب الحال .
- (4) فيما عدا الجرائم المعاقبة عليها بالإعدام ، أو السجن المؤبد، تحدد القواعد إجراءات تأييد أحكام محاكم الجهاز بنوعها .

#### الإستئناف

- 79- (1) تشكل محكمة إستئناف بأمر من المدير للنظر في الأحكام التي تصدرها محاكم الجهاز، وفق الإجراءات التي تحددها اللوائح على أن ترفع إليها جميع الأحكام الصادرة بالإعدام أو السجن المؤبد .
- (2) يصادق المدير على الأحكام الصادرة من محكمة الاستئناف .

### الإسترحام

- 80— (1) يجوز لأي عضو يدان أمام أي من محاكم الجهاز بنوعيتها وتوقع عليه العقوبة أو الجزاء، وفقاً لذلك أن يتقدم بطلب إسترحام لرئيس الجمهورية، أو المدير، أو نائبه الأول، بحسب الحال، ويجوز لأي منهم بعد فحص أوراق المحاكمة أن يصدر قراره إما بتخفيض العقوبة، أو الجزاء، أو إسقاطها، أو رفض الإسترحام، على أن يوضح أسباب ذلك .
- (2) تحدد اللوائح إجراءات تقديم الاسترحام .

### تنفيذ أحكام محاكم الجهاز

- 81— تنفيذ أحكام محاكم الجهاز بنوعيتها بالنسبة إلى عقوبة :
- (أ) الغرامة ، وفقاً لأحكام قانون الإجراءات المدنية ،
- (ب) السجن لمدة :
- (أولاً) لا تجاوز ثمانية وعشرين يوماً في الحبس ،
- (ثانياً) تجاوز ثمانية وعشرون يوماً في السجون العامة .
- (ج) الإعدام في السجون العامة .

### الفصل السابع

#### الأحكام المالية

#### موازنة الجهاز

- 82— (1) تكون للجهاز موازنة مستقلة يتم إعدادها وفقاً للأسس المحاسبية السليمة .
- (2) يعد المدير مقترحات الموازنة السنوية للجهاز ، ويرفعها لرئيس الجمهورية، لإقرارها وتضمينها في الموازنة العامة ،
- (3) يكون المدير مسؤولاً عن تنفيذ الموازنة المصدق بها للجهاز، وفقاً لأحكام هذا القانون واللوائح الصادرة بموجبه .

#### مراجعة الحسابات

- 83— (1) يقوم ديوان المراجعة القومي بمراجعة حسابات الجهاز، ويقدم تقريراً بذلك لرئاسة الجمهورية.
- (2) مع عدم الإخلال بعموم ما ورد في البند (1) ، لا يجوز لديوان المراجعة القومي طلب مراجعة الحساب الخاص بالعمل الأمني .

### الفصل الثامن

#### أحكام ختامية

#### واجب المساعدة

84— على جميع السلطات الرسمية والمواطنين كافة، تقديم المساعدة المطلوبة والعون اللازم لأعضاء الجهاز في سبيل تنفيذ إختصاصاتهم الواردة في هذا القانون .

#### سلطة إصدار الأوامر العامة أو المستديمة

85— يجوز للمدير أن يصدر من الأوامر العامة والمستديمة ما يكون ملزماً للأعضاء، وذلك في المسائل الآتية :

- ( أ ) حسن إدارة :
- (أولاً) الأعضاء ورفاهيتهم ،
- (ثانياً) المكاتب والمساكن ومراكز التدريب، وأي مبان أخرى يستخدمها الجهاز ،
- (ب) التدريب والتأهيل ،
- (ج) تنظيم الشؤون العامة للأعضاء ،
- (د) الملابس والمهمات والأدوات .

#### سلطة إصدار اللوائح

86— يجوز للجهاز أن يصدر اللوائح اللازمة لتنفيذ أحكام هذا القانون، ومع عدم الإخلال بعموم ما تقدم ، يجوز أن تتضمن تلك اللوائح المسائل الآتية :

- ( أ ) شروط الخدمة ،
- (ب) أسس الترقى والتقلات ونُظم الإجازات ،
- (ج) تطوير الجهاز وأسلوب عمله وهياكله التنظيمية والوظيفية ،
- (د) تحديد أنواع الأسلحة والذخائر والملابس التي تستخدم ،
- (هـ) قواعد سلوك الأعضاء ،
- (و) نظام المصروفات والمشتريات ،
- (ز) تنظيم معاملة المعتقلين والحراسات ،
- (ح) علاقة الجهاز بالجمهور .

#### الجدول

#### صيغة القسم

#### ( أنظر المادة 34 )

"أنا (الرتبة والاسم).....، وقد تم تعييني مديراً / نائباً أول للمدير / نائباً للمدير / ضابطاً/ عضواً عاملاً بجهاز الأمن الوطني، أقسم بالله العظيم/ أعلن صادقاً أن يكون إخلاصي للوطن، ولخدمة الشعب، وأن أحافظ وأحترم الدستور والقانون، وأن أكرس وقتي وطاقتي طوال مدة خدمتي، ومؤدياً لواجباتي الملقة على عاتقي، بموجب قانون الأمن الوطني لسنة 2010، أو أي قانون آخر ساري المفعول

، بجدٍ وأمانة، لحماية أمن السودان الداخلي والخارجي، وأن أطيع الأوامر القانونية الصادرة من رؤسائي، وأحافظ على أسرار الجهاز، ولا أفترط فيما أحصل عليه من معلومات أياً كان مصدرها، ولا أفش أي سر أحمله، أو أعلم به أثناء عملي في الجهاز، أو بعد تركي العمل به، إلا إذا اقتضت ذلك المحافظة على سلامة الدولة وأمنها، وأن التزم بهذا القسم، ولو أدى ذلك للتضحية بحياتي، والله على ما أقول شهيد " .