

In the Name of Allah, the Gracious, the Merciful

**The National Security Forces Act, 1999**

Be it hereby passed, by the National Assembly, and assented to, by the President of the Republic, in accordance with the provisions of the Constitution of the Republic of the Sudan, 1998, the following Act :-

**Chapter I**

**Preliminary Provisions**

**Title and commencement**

1. This Act may be cited as the, “National Security Forces Act, 1999”, and shall come into force, as from the date of signature.

**Repeal and saving**

2. The National Security Act, 1994 shall be repealed; provided that all the regulations, rules and orders made thereunder, shall remain in force, until revoked, or amended.

**Interpretation**

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

“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;

“Committee”, means the High Technical Security Committee;

“Competent Magistrate”, means the magistrate whom the Constitutional Court appoints to perform the tasks entrusted to him, under the provisions of this Act;

“Competent Minister”, means the minister, who is specified by the President of the Republic, to represent the Organ, before the National Assembly, in the comprehensive matters, relating to security;

<b>“Competent Prosecution Attorney”,</b>	means the Head of Legal Administration , who is appointed, by the Minister of Justice, to perform the tasks entrusted to him, under the provisions of this Act;
<b>“Council”,</b>	means the National Security Council;
<b>“Court”,</b>	means the court constituted, in accordance with the provisions of section 63;
<b>“Director”,</b>	means the Director-General of the Organ, who is appointed in accordance with the provisions of section 10;
<b>“Deputy Director”,</b>	means the Deputy Director, who is appointed, in accordance with the provisions of section 11;
<b>“Member”,</b>	means any person, who is appointed, in the service of the Organ, in accordance with the provisions of this Act;
<b>“Organ”,</b>	means the National Security Organ , formed in accordance with the provisions of section 5;
<b>“Senior officer”,</b>	means the senior officer, or non-commissioned officer, in accordance with the disciplined seniority;
<b>“Soldier”,</b>	means any of the Organ's soldiers, other than officers and non-commissioned officers.

### Persons subject the provisions of this Act

4. There shall be subject to the provisions of this Act :-
- (a) officers of the Organ;
  - (b) non-commissioned officers and soldiers of the Organ;
  - (c) any person, who is appointed, or seconded under the provisions of this Act;
  - (d) collaborators, where the Director decides the same;
  - (e) 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

### The Organ, the Functions thereof and Ranks of Members

#### Establishment of the Organ

- 5.(1) There shall be established an organ, for national security and intelligence, to be known as the, “National Security Organ”.

- (2) The Organ shall be a national disciplined force, working under the general supervision of the President to the Republic.
- (3) The Director shall be directly responsible for the management of the Organ.

### Functions of the Organ

6. The Organ shall have competence on the following, to :-
- (a) keep the national security of the Sudan, and preserve its unity;
  - (b) collect, analyse and employ information;
  - (c) conduct such search and inquiry, as may be necessary for revealing any conditions, facts, activities or elements, as by nature may affect the national security and safety of the Sudan ;
  - (d) tender opinion, advice, consultancy and services, in the security and intelligence fields, to the various organs of the State;
  - (e) reveal the dangers, resulting from the foreign activity, in the fields of espionage, terrorism and sabotage;
  - (f) combat the subversive activities of foreign organizations, groups, individuals or states, or Sudanese groups, inside and outside the Sudan;
  - (g) co-operate, with similar and friendly organs, to combat terrorism and such business, as may threaten the joint order and security, or any of the fields of outside security;
  - (h) any other functions, as the President of the Republic, or the Council , may assign thereto;

### Ranks of members

- 7.(1) Ranks of officers 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 shall be as follows :-
- (a) Security Warrant Officer;
  - (b) Security Sergeant-Major;

- (c) Security Sergeant;
  - (d) Security Corporal;
  - (e) Security Lance Corporal.
- (3) Other ranks shall be of non-commissioned officers and soldiers of the Organ.

### Powers of the Organ

8. The Organ shall exercise the following powers, in accordance with the provisions of this Act :-
- (a) surveillance, inquiry and search;
  - (b) custody of persons and seizure of property, in accordance with the law;
  - (c) summoning, interrogation and taking depositions of persons;
  - (d) requiring information, statements, documents or things, from any person and peruse, keep or take such measure, as may be essential, or necessary, with respect to the same.

## Chapter III

### Appointment and specification of the functions of the deputies Director

- 9.(1) The President of the Republic, upon the recommendation of the Director, shall appoint the deputies of the Director, and specify the emoluments and privileges thereof.
- (2) The Director shall specify the functions of any of his deputies, and may assign any one of them, to exercise his functions, upon his absence.
- (3) The deputies of the Director shall strive to co-ordinate the relations of the administration of the Organ and control the progress thereof.

### Appointment and functions of the Deputy Director-General

- 10.(1) The President of the Republic shall, upon the recommendation of the Director, appoint a Deputy Director, and specify the emoluments and functions thereof.
- (2) The 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 and functions of heads of circuits and directors of administrations**

11. The Director shall appoint heads of circuits and directors of administrations, in accordance with the approved organizational chart and scale of posts of the Organ; and the regulations shall specify the functions thereof.

**Conditions of appointment of members**

12. There shall be required, of the person, to be appointed in the Organ, that he shall :-
- (a) be of Sudanese nationality;
  - (b) be characterized by propriety, honesty, straight morals and good reputation;
  - (b) have not been convicted of an offence inconsistent with honour and honesty;
  - (c) satisfy medical and scientific requirements.

**Appointment of officers and other ranks**

- 13.(1) The President of the Republic shall, upon the recommendation of the Director, 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, the salary of one month, upon the basis of having been appointed therein, notwithstanding the non-satisfaction of the requirements of such provisions, and the said person, in this case, shall not be entitled to claim dismissal accordingly.

**Appointment and permanent  
service of new officers**

- 14.(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 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**

- 15.(1)(a) The Minister 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 Minister, 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**

- 16.(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.

### The oath

- 17.(1) Each of the Director and deputies of the Director, upon appointment thereof, take an oath, in the text set out in the Schedule hereto, before the President of the Republic.
- (2) Members shall take the same oath, before the Director.

### Transfer of members from and to the Organ

- 18.(1) The President of the Republic, upon the recommendation of the Director, may finally transfer any of the members of the Organ, to any other disciplined force, or any of the public service organs.
- (2) The President of the Republic, upon the recommendation of the Director, may transfer, to the membership of the Organ, any of the employees of any other disciplined force, or any of the public service organs.

### Seniority

19. 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, wages and emoluments

- 20.(1) The financial regulations made by the Director, after approval of the President of the Republic, shall specify :-
- (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 he may approve the periodical increments of members of 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

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

### Promotions

- 22.(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

- 23.(1) The Director may place, on disponibilite , any of the officers, for a period not exceeding two years, 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;
- (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

24. Notwithstanding placement on disponibilite, in accordance with the provisions of section 24, 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 disponibilitate shall be calculated within the period of effective service;
- (c) the President of the Republic may, in the light of the recommendation, presented by the committee of investigation, constituted in accordance with the provisions of section 24(2) , order that the officer shall be returned to service, or retired on pension.

### Suspension from work

- 25.(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) 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.
- (3) The regulations shall specify the manner of suspension provided for in sub-section (1).

### Grievance and complaint

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

### Termination of service

- 27.(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) his removal from service, where his remaining in service has become undesirable;
  - (d) loss thereby of one of the conditions of appointment;

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

### Post-service benefits

- 28.(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.
- (2) For the purposes of sub-section (1), there shall be established, for each Organ, a council, to be known as the, "Pensions council", to exercise all the powers conferred upon the Pensions Council, under the provisions of the two laws mentioned in such sub-section.
- (3) For the purposes of applying sub-section (1), the Director shall have the powers of the Commander-in-Chief, set out in the two laws, mentioned in sub-section (1).

### Duties of the member

- 29.(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, in the performance of his 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;
  - (c) cause the institution of any criminal proceedings, or a civil suit against any of his superiors, or comrade members, during, or after termination of service, by reason of any such physical injury, or material damage, as may have affected him, in the course of discharge of his duty.

### **Powers of search, arrest and detention**

30. 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 9;
  - (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) the power of detention of any person, for a period not exceeding three days, for interrogation and inquiry, together with showing the charge; provided that the Director may issue an order extending the period of detention, for a period not exceeding thirty days, together with notifying the competent prosecution attorney;
  - (e) the Director, in accordance with the requirements of national security, may order the renewal of the detention of the person, where there have been established against him , indications, evidence or suspicions of committing an offence against the State, for a period not exceeding other thirty days, together with notifying the competent Prosecution Attorney;

- (f) the Director shall submit, to the Council, in any other case, as he may deem therein, for requirements of national security, the necessity of extending the period of detention of the person, for a period more than is provided for in paragraphs (d) and (e) , and Council may extend the period of detention, for a period, not exceeding two months; provided that he shall forthwith be released thereafter.

### Renewal of detention period

- 31.(1)The Director, in such cases, as may lead to terrorizing the society and endangering the security and safety of citizens, by practice of armed robbery, religious, or racial sedition, may detain any person, for a period, not exceeding three months, and may renew the period, for other three months, after notifying the competent Prosecution Attorney.
- (2) The Director, in such cases as he may deem therein necessary to extend the period of detention, besides as provided for in subsection (1), may submit the matter, to the Council, and the Council may extend the period of detention, for a period, not exceeding three months; and the detainee may present a grievance, by petition, to the competent Magistrate, against the order of renewal of his detention, and the Magistrate may pass such as he may deem fit, after knowing the grounds of detention.

### Rights of the restrained , arrested or detained person

- 32.(1) A person shall be informed, upon his being restrained, arrested or detained, of the grounds demanding the same.
- (2) A restrained, arrested or detained 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, where the same does not prejudice the progress of interrogation, inquiry and investigation of the case.
- (3) A restrained, arrested or detained person shall be treated, in such way, as may preserve the dignity of the human being, and shall not be hurt physically, or morally.
- (4) No person shall be detained, by reason of being charged, with committing an offence, where a competent court has acquitted him of such charge.
- (5) 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 this respect.

### **Immunity of members and collaborators**

33. **Members and collaborators shall have the following immunities :-**

- (a) 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;
- (b) without prejudice to the provisions of this Act, and without affecting any right to compensation, against the State, no civil, or criminal proceedings shall be instituted, against a member, or collaborator, for any act connected with the official work of the member, save upon approval of the Director, and the Director shall grant this approval, whenever there transpires that the subject of responsibility is not connected with the same;
- (c) there shall be secret, every trial before an ordinary court, of any member, or collaborator, during service, or after the termination thereof, as to such act, as may have been done thereby, in connection with his official work.

## **Chapter IV**

### **The National Security Council**

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

- 34.(1) There shall be established a security high council, to be known as the, "National Security Council", and be constituted of :-
- (a) the President of the Republic, Chairman;
  - (b) the President of the Republic advisor on security affairs, member and rapporteur;
  - (c) the Minister of Defence, member;
  - (d) the Minister of Foreign Relations, member;
  - (e) the Minister of Internal Affairs, member;
  - (f) the Minister of Justice , member;
  - (g) the Director, the Internal Security Organ, member;
- (2) The President of the Republic may, by an order thereof, add any such person, as he may deem fit, for membership of the Council.

#### **Functions and powers of the Council**

35. The Council shall have the following functions and powers, to :-
- (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 organs;

- (d) follow-up the implementation of the security policy programme, and receive reports with respect thereto;
- (e) approve the regulations organizing work;
- (f) constitute a technical committee, out of the organs forming the Council, in the states and commissariates, to assist in the progress of work.

### Meetings of the Council

- 36.(1) The Council shall convene periodically, four times annually.
- (2) The Chairman of the Council may call the same, for an emergent convention, at any time.
  - (3) The rapporteur of the Council shall prepare the agenda thereof, in consultation with the Chairman of the Council.
  - (4) The Council shall seek unanimity, in the decisions thereof, and where unanimity is not attained, the majority opinion shall be adopted.

### The rapporteur of the Council

- 37.(1) The rapporteur of the Council shall be responsible, for keeping the minutes, documents 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 Chairman of the Council requires that, from him, and submit the same, to the Council.

## Chapter V

### The Committee

#### Constitution of the Committee

38. There shall be established, by a decision of the Council, a committee to be known as the, "High Technical Security Committee", and be constituted, under the chairmanship of the rapporteur of the Council, and membership of the security and technical organs constituting the Council.

#### Functions of the Committee

- 39.(1) The Committee shall have competence to study the security plans, presented by the states 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.
- (2) The Committee shall co-ordinate the business of security committees, in the various states, as to such security plans, as the Council may lay down.
  - (3) The Committee shall submit the technical reports thereof, to the Council, during the period of convention of the same.

### **Meetings of the Committee**

- 40.(1) The Committee shall convene, upon call by the chairmen 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 Internal Security Organ, to be selected by the Council.
- (2) The Committee may call any such person, as they may deem fit, to attend the meetings thereof.

## **Chapter VI**

### **Offences, Penalties, Contraventions, Sanctions and Courts**

#### **Branch I**

#### **Offences and Penalties**

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

- 41.(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**

42. 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.

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

43. 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**

44. 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.

**Member punished after leaving the service of the Organ**

- 45.(1) There shall be punished, with death, or life imprisonment, every member, who is retired on pension, or leaves the service of the Organ, for any reason, and discloses, to the enemy, any of the secrets of the Organ, or conveys thereto any such information relating to the Organ, as may have come to his knowledge, in the course, or by reason of his service therein.
- (2) There shall be punished, with imprisonment, for a term not exceeding ten years, or with fine, or with both, every member, to whom the provisions of sub-section (1) apply, who discloses the secrets, or conveys the information, mentioned in such sub-section, to any person.
- (3) There shall be punished, with imprisonment, for a term not exceeding five years, every member, who has previously worked, in the Organ , and personates a member.

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

46. 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**

47. 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**

48. 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**

49. 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**

50. 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**

51. 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**

52. There shall be punished, with imprisonment, for a term, not exceeding five years, every member, who commits any of the following acts, to :-
- (a) escape from custody, having been placed thereunder;
  - (b) 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;
  - (c) release any person, under his custody, without a lawful order therefor, or neglect, in such way, as may enable such person to escape.

**Penalty of conduct inconsistent with discipline**

53. 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**

54. 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**

- 55.(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**

56. 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**

57. 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**

58. 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**

59. 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 abeted, or compelled the other member.

## **Branch II**

### **Contraventions and Sanctions**

#### **Contraventions**

- 60.(1) There shall be deemed, to have committed a contravention, and the sanctions set out in section 61, 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 61, every member, who abets, or compels any other member to commit any of the contraventions, provided for in sub-section (1).

### Sanctions

61. Any of the following sanctions may be inflicted upon every member, who commits any contravention under section 60, 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;
- (x) deprivation of post-service benefits, in case of desertion;

- (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;
- (xi) deprivation of post-service benefits, in case of desertion.

**Chapter VII**  
**Courts of the Organ**

**Establishment of Organ's courts**

62. There shall be established two courts at the Organ :-
- (a) a summary court, for trial of offences and contraventions, set out in sections 57 to 60 , hereof;
  - (b) a non-summary court, for trial of offences set out in this Act.

**Constitution of the Organ's Court**

- 63.(1) (a) The Organ's summary court shall be constituted of one officer, by the order of the Deputy 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 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 Minister.
- (3) An accused may seek the help of an advocate, or friend .

**Procedure of courts**

64. 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.

**Notification of the Minister of Justice**

65. The Minister of Justice shall be notified of the judgements of the Organ's courts, against any member, in which the accused is a person other than a member of the Organ .

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

- 66.(1) There shall be confirmed the judgements of the Organ's :-
- (a) summary courts, by the 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 Deputy Director;

- (ii) Brigadier, and above, by the Director.
- (2) The Director shall submit the judgements, passed by non-summary courts, of death, 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 subsections (1) and (2), as the case may be.
  - (4) The rules shall specify the procedure of confirming the judgements of the Organ's courts of both types.

### Clemency petition

- 67.(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 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

68. 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 VIII

### Financial Provisions

#### Budget of the Organ

- 69.(1) The Organ shall have an independent budget, to be prepared, in accordance with sound accountancy bases.
- (2) The Deputy Director shall prepare the proposals of the Organ's annual budget, and submit the same, to the Director for endorsement and presentation, to the Council of Ministers, to approve and include it, in the general budget.
- (3) The Director shall be responsible for implementation of this Act, and the regulations made thereunder.

### **The accounts unit**

70. There shall be established, at the Organ, an accounts unit, in consultation with the Minister of Finance and National Economy.

### **Audit of accounts**

- 71.(1) The General Audit Chambers shall audit the accounts of the Organ, and present a report thereon, to the President 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 IX**

### **Final Provisions**

#### **Duty to assist**

72. 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 executing the functions thereof set out in this Act.

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

73. 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**

74. The Director 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.



## The Schedule

### The Oath

**“( I ..... , having been appointed Director of the ..... Organ, Deputy Director 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 Forces Act, 1999, 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 .”**