

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 The National Security Act, 1999 shall be repealed; provided that all the regulations, rules and orders made thereunder, shall remain in force, until revoked, or amended.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) There shall be established a national security organ to be known as "Security and National Intelligence Organ".
 - (2) The organ is a disciplined national force, under the general supervision of the Presidency of the Republic.
 - (3) The director shall be directly responsible for the administration of the Organ.

The Message

- 4.(1) The Security and National 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, siege, natural catastrophe or

environmental 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;

"Deputies 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 Sudan established under section 17;

"Security committee", means the security committee of southern Sudan 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
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 annualy, 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 |

- (1) **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 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.

Chapter 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.

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 constituents 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 Orgn 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 executing 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 .”