

National Security Act, 2010

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

Chapter I

Article (1)

Preliminary Provisions

Title and Commencement

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

Article (2)

Repeal and Saving

The National Security Act, 1999 shall be repealed, provided that all procedures, regulations and orders made thereunder shall remain in force, until revoked or amended.

Article (3)

Establishment

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

Article (4)

Mission statement

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

Article (5)

Interpretation

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

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

Article (6)

Scope of Application

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

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

Chapter II

The National Security Council, the Higher Technical Committee,

The South Sudan Security Committee and the States Committees

Article (7)

Establishment of the Council

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

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

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

Article (8)

Competences and Powers of the Council

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

Article (9)

Council Meetings

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

Article (10)

Council Rapporteur

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

Higher Technical Security Committee

Article (11)

Committee Formation

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

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

Article (12)

Competences of the Higher Technical Security Committee

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

Article (13)

Meetings of the Higher Technical Security Committee

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

Article (14)

Establishment of South Sudan Security Committee

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

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

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

Article (15)

Competences of South Sudan Security Committee

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

Article (16)

Meetings of South Sudan Security Committee

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

Article (17)

Formation and Competences of the Technical Committee

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

Article (18)

Establishment of the State Security Committee

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

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

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

Article (19)

Competences and Powers of the Security Committee in the State

The State Security Committee shall:

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

Article (20)

Meetings of the State Security Committee

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

Article (21)

Formation of the Locality or County Security Committee

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

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

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

Article (22)

Competences of the Security Committee in the Locality or County

The Security Committee in the Locality or County shall:

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

Article (23)

Meetings of the Security Committee in the Locality or County

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

Chapter III

NSS Powers, Competences and Members Ranks

Article (24)

NSS Competences

NSS shall:

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

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

Article (25)

Powers of the Council

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

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

Article (26)

Ranks of Members

1. Ranks of NSS officers shall be as follows:

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

2. NSS other ranks shall be as follows:

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

Chapter IV

NSS Administration

Article (27)

Appointment and Competences of the Director

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

Article (28)

Appointment and Competences of the First Deputy Director

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

Article (29)

Appointment of Deputies Director

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

Article (30)

Consistence and Consultation with regard to NSS Command

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

Article (31)

Appointment of Staff and their Competences

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

Article (32)

Requirements for Appointment of Members

Any person to be appointed in NSS shall:

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

Article (33)

Appointment of Officers and Other Ranks

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

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

Article (34)

Oath

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

Article (35)

Appointment & Retention of Officers in Service

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

Article (36)

Secondment

1. (a) The Director may second any person to work for NSS, with the consent of the seconded person and his/her mother employer, for two renewable years, after which the seconded person may choose to be permanently transferred to NSS or else return to his/her mother employer.

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

Article (37)

Recruitment of Persons as Associates

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

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

Article (38)
Transfer of Members

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

Article (39)
Seniority

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

Article (40)
Salaries, Remunerations and Privileges

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

Article (41)
Training

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

Article (42)
Promotions

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

Article (43)
Referral to Provisional Retirement

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

Article (44)
Effect of Referral to Provisional Retirement

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

Article (45)
Suspension from Service

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

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

Article (46)

Grievance and Complaint

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

Article (47)

End of Service

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

Article (48)

After-service Benefits

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

Article (49)

NSS Members Duties

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

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

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

3. No member may:

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

Article (50)

Powers of the Members, Director and Council

1. Pursuant to the provisions of Articles 29 and 37 of the Interim National Constitution, 2005, Each and every member shall, by virtue of an order issued by the Director, and for the purpose of executing the competences set forth in this Act, have the following powers:
 - (a) Any of the powers provided for in Article (25).
 - (b) Search after obtaining an order issued by the Director in writing.
 - (c) Powers of the policemen as provided for in the Police Forces Act and the Criminal Procedures Act.
 - (d) Exercise any lawful powers necessary for execution of the provisions of this Act.
 - (e) Arrest or detain any suspected person for a period not exceeding thirty days provided that his/her relatives are immediately informed.
 - (f) After elapse of the thirty days mentioned in Para (e) above, and if there are reasons that require more investigation, enquiry and maintaining the detained person in custody, NSS member shall refer the issue to the Director and make the recommendations he deems appropriate.
 - (g) The Director may renew the detention period for not more than fifteen days with the purpose of completing investigation and enquiry.
 - (h) If it comes to the knowledge of the Director that maintaining any person in custody is necessary for completion of investigation and enquiry in case of an accusation related to a factor threatening the security and safety of the people; intimidating society by way of armed robbery, racial, religious sedition or terrorism; disrupting peace; exercising political violence; or plotting against the country, he shall refer the issue to the Council which may extend the detention period for not more than three months.
 - (i) Without prejudice to paragraphs (f), (g) and (h), NSS authorities shall inform the competent prosecutor and hand over suspect and all documents and appendices thereof in

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

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

Article (51)

The Rights of arrested, detainee and person in custody

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

Article (52)

Immunities of Members and Associates

Members and associates shall have the following immunities:

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

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

Article (53)
Prohibition of seizure

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

Chapter (V)

Crimes and punishments, contraventions and penalties

Crimes and Punishments

Article (54)

Applicability of the Provisions of the Criminal Act on Members

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

Article (55)

Punishments of Crimes in Relation to the Enemy

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

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

Article (56)

Punishment of Crimes of Conspiracy and Mutiny

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

Article (57)

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

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

Article (58)

Punishment of Neglect of Duty

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

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

Article (59)

Abuse of Power and Position

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

Article (60)

Punishment of Obtaining Illegitimate Gains and Making False Statements

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

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

Article (61)

Punishment for Accepting Benefits

or Illegitimate Remuneration

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

Article (62)

Punishment for Disposing of Weapons, Ammunitions and other Supplies

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

Article (63)

Punishment for Financial Crimes

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

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

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

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

Article (64)

Punishment for Crimes related to Guard

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

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

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

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

Article (65)

Punishment for Conduct Violating Discipline

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

Article (66)

False Accusation and Statements

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

a. makes any false accusation against any other member.

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

Article (67)

Deserting Service

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

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

Article (68)

Punishment of NSS Member after Leaving the Service

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

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

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

Article (69)

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

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

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

Article (70)

Punishments for crimes related to NSS Court

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

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

Article (71)

Penalty for indecent and inappropriate conduct

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

Article (72)

Punishment of instigating and coercing other to commit crimes

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

Article (73)

Violations and penalties

Violations

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

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

Article (74)

Penalties

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

a. Concerning officers:

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

b. As for other ranks:

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

Chapter VI

NSS Courts

Article (75)

Establishment of NSS Courts

Two courts shall be established within NSS:

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

Article 76

Formation of NSS Court

1. NSS courts shall be formed as follows:

a. NSS summary court: Shall be formed of one officer of a rank higher than that of the defendant upon a decision by the Director.

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

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

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

Article (77)

Court Proceedings

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

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

Article (78)

Confirmation of NSS Court Decisions

1. NSS courts judgments shall be confirmed as follows:

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

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

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

2nd: brigadier and above: by the Director.

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

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

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

Article (79)

Appeals

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

Article (80)

Plea for Forgiveness

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

Article (81)

Execution of NSS Courts Decisions

Decisions of NSS Courts shall be executed as follows:

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

Chapter VII

Financial Provisions

Article (82)

NSS Budget

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

Article (83)

Auditing

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

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

Chapter VIII

Final Provisions

Article (84)

Duty to Assist

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

Article (85)

Power to Issue General and Standing Orders

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

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

Article (86)

Power to Make Regulations

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

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

Testimony

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

Ahmed Ibrahim Eltaher

Speaker of the National Assembly

Chairperson of the Joint Permanent Committee

I concur:

Field Marshal:

Omer Hassan Ahmed Elbashir

President of the Republic

Date:

Oath

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