

**Draft Internal Security Apparatus Law of 2021**

Pursuant to the provisions of the constitutional document for the transitional period for the year 2019, the Sovereign Council and the Council of Ministers have jointly issued, and the Sovereign Council signed the following law:

**Chapter One**  
**Introductory Provisions**  
**The Name of the Law and its Entry into Force**

1. This law is called “Internal Security Apparatus Law of 2021,” and it shall be enforced from the date of its signature.

Explanations

2. In this law, unless the context requires another meaning:

“Apparatus”	means the internal security apparatus established under the provisions of Article 5(1),
“Officer”	means all those who possess a rank in the apparatus, including from the rank of lieutenant to the rank of major general,
“Non-commissioned officer”	means any member from the rank of corporal agent to assistant,
“Member”	means any person who works in the service of the apparatus, whether by appointment or assignment,
“Director”	means the director of the apparatus, appointed under the provisions of Article 17(1),
“Unit”	means a (military) force whose salary shall be specified by the apparatus,
“Assistant Director”	means the officer at the administrative level that follows the Deputy Director,
“Soldier”	means any member other than the officers and non-commissioned officers,
“Collaborator”	means any person other than officers, non-commissioned officers and soldiers, who works for or without pay,

“Employees of the apparatus”	means everyone who works for the apparatus at a regular rank,
“Apparatus Command Authority”	means the command authority formed under Article 15(1),
“Deputy Director”	means the deputy director of the apparatus appointed under the provisions of Article 17(1),
“Constitutional Document”	means the constitutional document for the transitional period of 2019,
“Prosecutor”	means the competent representative of the Public Prosecutor appointed by the Public Prosecutor to carry out the tasks assigned to him under the provisions of this law,
“Ministry”	means the Ministry of Interior,
“Minister”	means the Minister of Interior.

Subject to the provisions of this law

3. (1) Each of the following shall be subject to this law:

- (a) Officers of the apparatus
- (b) Non-commissioned officers and soldiers of the apparatus
- (c) Any person appointed or delegated under the provisions of this law,
- (d) Students and trainees during the basic training period

(2) Notwithstanding the provisions of clause (1), the provisions of this law shall apply to any officer, non-commissioned officer, or soldier of the apparatus, who faces charges under the provisions of this law after the end of his service, if his act or omission occurred during or because of the job.

Duties of the apparatus members

4. Each of the members of the apparatus and its employees must allocate all their time to carry out their duties stipulated in this law and the regulations issued pursuant to it, or any other duties stipulated in any other law in force. Without prejudice to the general nature of the foregoing, each of them must adhere to the following:

- (a) To work professionally and to preserve the dignity of his position and to follow in his behaviour a manner consistent with the respect due to citizens and all groups

he deals with, taking into account human rights and the rights document contained in accordance with the provisions of the constitutional document for the transitional period of 2019 in the performance of his duty,

- (b) To perform the work entrusted to him with accuracy and honesty and to allocate the official work time to the performance of the duties of his position and to be in service twenty-four hours,
- (c) To cooperate with his colleagues in performing the duties necessary to secure the progress of work,
- (d) To carry out the orders and instructions issued to him within the limits of the laws in force and to bear all responsibility for the orders issued by him; he is responsible for the proper conduct of work within the limits of his competence and good management of the force,
- (e) To behave respectfully, politely and courteously with his superiors and subordinates, and treat the public in accordance with the spirit of the values derived from the Constitution and the decent ethics of society, and to preserve the honour of service and good reputation,
- (f) To be an example to others in terms of behaviour and character, and follow in all his actions a manner consistent with the respect due to them,
- (g) Reside exclusively within his work area except for reasons approved by the director, preserving and in no way abusing the dignity, pride and fundamental rights of human beings,
- (h) Respect religious and cultural diversity in Sudan,
- (i) Not to leave Sudan within two years from the date of leaving the service for officers and one year for non-commissioned officers and soldiers except with the approval of the Minister and the recommendation of the Director General, as is absolutely necessary, and for only a specified period,
- (j) Not to keep an original version or picture of any official document for himself, or to remove any documents from the files that he keeps, even if that document is related to any work that he was assigned to,
- (k) Not disclosing any information or disclosing any confidential matters in its capacity or considered as such under any regulations, instructions or orders unless it is authorized to do so.

- (l) Not to leave his official job or to stop work for any reason without official permission from his superior,
- (m) Not affiliate with any of the political parties, join a political party, participate in any demonstrations, protests, any party or trade union meetings, or any electoral processes, hold meetings, participate in criticizing the government's political actions, or to participate in any form in actions aimed at the aforementioned ends,
- (n) Not edit any periodical publication, or to be directly or indirectly involved in its management, except as authorised, or distribute any political publications or to sign summonses in the name of the state,
- (o) Shall not engage in commerce, industry, or contracting by selling or buying, or participating in commercial deals in his name or under other names, or undertaking direct or indirect financial business, or participating in such business, or performing any other work that is inconsistent with his official work or in any way affecting his performance of his official duties, except with permission for official business purposes,
- (p) May not accept gifts, gratuities, or grants from stakeholders, or those who are affiliated with stakeholders, whether direct or indirect, or accept any financial aid in exchange for his work,
- (q) Not engage in any other activity or business that is prohibited by other laws and regulations.

## **Chapter Two**

### **The apparatus**

#### **The establishment, supervision and responsibilities of the apparatus**

- 5. (1) A body called the "internal security apparatus" shall be established, and shall have a legal personality and a public seal, and it has the right to litigate in its name.  
  
(2) The apparatus operates under the supervision of the minister, and under the responsibility of the director of the apparatus.

#### **Configuration of the Apparatus**

- 6. The apparatus shall consist of the following categories:
  - (a) Officers
  - (b) Non-commissioned officers
  - (c) Soldiers [privates],

(d) Any other categories specified by the minister.

Establishment of the apparatus

7. (1) The apparatus shall have a regular force under the supervision of the Minister.

(2) The Chairman of the Sovereign Council may, under the recommendation of the minister, form the foundational force of the apparatus, by any of the following methods:

- (a) Transfer of a number of officers, non-commissioned officers, and soldiers working in the regular forces,
- (b) The assignment of a number of officers, non-commissioned soldiers, and soldiers working in the regular forces,
- (c) Assignees shall be subject to the provisions of the assignment instructions issued under this law, provided that after the termination of the assignment, they choose to transfer or return to their units.

Foundation of the apparatus

8. The apparatus and its members shall be professional and national, reflecting a fair representation of the diversity and population; without prejudice to the general nature of the aforementioned, the apparatus shall have the following objectives:

- (a) Contributing to achieving internal security, and cooperating and coordinating with the competent authorities to achieve national security,
- (b) Respect for the rule of law, and protecting the state and citizens in all tasks entrusted to it,
- (c) Promoting and respecting human rights in accordance with the provisions of the constitutional document,
- (d) Using best practices in accordance with professional, technical, behavioural and international systems and standards in maintaining internal security,
- (e) Respect for religious and personal beliefs,
- (f) Performing duties impartially and in accordance with the law.

The competencies and powers of the apparatus

9. In order to achieve the objectives outlined in Article 7, the apparatus shall have the following powers and authorities:
- (a) Carrying out internal security work, including the protection of property and funds, public education, securing important figures and community symbols, and securing the necessary mechanisms, sites, equipment and means of communication in coordination with the competent authorities,
  - (b) Preparing studies and research on internal security,
  - (c) Contributing to and maintaining order, security and safety of the country, and protecting lives and funds,
  - (d) Coordinating with the police forces and the relevant authorities in combating terrorism, corruption, favouritism and money laundering, and working to investigate, identify, arrest and bring perpetrators to justice,
  - (e) Assisting the executive authorities in performing their duties in accordance with the provisions of the law,
  - (f) Cooperating and coordinating with the statutory agencies in combating transnational crimes and following up on suspicious funds in accordance with the provisions of the relevant laws,
  - (g) Contributing to the detection and investigation of any chemical, radiological or biological spills or leaks, in cooperation with the authorities concerned with addressing such events,
  - (h) Contributing to achieving information and document security for all state institutions in coordination with the relevant authorities,
  - (i) Any other powers and authorities necessary to achieve its objectives.

The apparatus's investigative authorities

10. The apparatus shall have the following investigative powers, in accordance with the Criminal Procedure Act:
- (a) Requesting information, data, documents, or other items from any natural or legal person, and access, keep or take such information as is necessary,
  - (b) Summoning persons, interrogating them, and taking their statements,
  - (c) Surveillance, investigation, search, and arrest,

- (d) Searching and seizing suspicious funds, after obtaining an order from the competent prosecutor. The seizure shall be executed in a manner laid out in the Civil Procedure Act 1983, or by any other method that the competent prosecutor or judge deems appropriate,
- (e) Entering all public places for the purpose of official work.

Arrest, detentions, seizures, and custody

11. (1) In order to carry out the tasks assigned to it and to preserve the security of the nation and its citizens, members of the apparatus shall exercise the police powers stipulated in the Criminal Procedure Act and the Police Law 2008 with regard to arrests or searches. Without prejudice to the general nature of the foregoing, the members of the internal security apparatus shall possess the following authorities:

- (a) Any of the authorities stipulated in Article 10 of this law,
- (b) Arrests and custody for a non-renewable period of 48 hours, in accordance with the provisions which regulate this in the Criminal Procedure Act, provided that the authority to arrest is pursuant to a written order from the director,
- (c) Conducting public or private searches of any place or person, whenever it is believed that a search will support the purposes of investigation, trial or execution, in accordance with the orders issued by the competent public prosecutor or judge, as the case may be. Searches are carried out according to the methods stated in the Criminal Procedure Act,
- (d) Detention of persons for security reasons for a period not exceeding 24 hours with the approval of the director, provided that the competent prosecutor is notified in writing if he is not released after 24 hours elapse; in all cases, the period of detention shall not exceed 72 hours without the written consent of the Attorney General or whomever he delegates this authority to.

(2) If it becomes evident to the director that the custody of a person is necessary to complete certain legal procedures, a recommendation must be made to the Attorney General or whomever he delegates this authority to, provided that in all cases the period of custody shall not exceed 7 days, during which the person in custody is referred to be placed under police guard after criminal charges are brought, or is released.

(3) Whenever the person in custody is released after completing the period stipulated in clause 3, he may not be re-arrested without the written consent of the competent prosecutor.

(4) The director shall issue instructions and orders to the apparatus for organising arrest and detention procedures.

**Chapter Three**  
**Command of the apparatus**  
**The leadership of the apparatus**

12. (1) The apparatus's forces shall operate under the supreme leadership of the Sovereign Council, and are subject to the executive authority.

(2) Without prejudice to what is stated in Clause 1, the forces of the apparatus shall be under the direct supervision of the Minister, who shall be competent with the following:

- (a) Concluding international contracts and agreements in which the apparatus is a party, in coordination with the competent authorities,
- (b) Approving the financial budget for the apparatus and submitting it to the competent authorities for approval,
- (c) Approving general plans, policies, and organisational structures, in consultation with the apparatus's leadership body,
- (d) Providing recommendations to the Security and Defense Council in matters relating to responsibilities,
- (e) Approval of the travel of delegations and the participation of members in workshops, training courses and conferences outside Sudan,
- (f) Providing training sites and approving the training policy of the force, in coordination with the regular forces,
- (g) Direct supervision and evaluation of the apparatus's performance,
- (h) Exercising any other competencies under this Act or the regulations issued pursuant thereto,

(3) The Minister may delegate all or some of his powers to the Director.

**The director's competencies and authorities**

13. (1) The director shall be responsible to the Minister for the proper performance of the apparatus, and shall have the following competencies and authorities:

- (a) Control and development of professional, technical, and administrative performance,
- (b) Issuing the necessary instructions and orders related to the organization and development of affairs in the apparatus,
- (c) Preparing and submitting proposals for plans and general policies, in consultation with the leadership body,
- (d) Organising and modernising the apparatus's forces in line with any needs,
- (e) Appointing heads of bodies and directors of departments at all levels,
- (f) Any other tasks assigned to him by the minister.

(2) The director may delegate his responsibilities and powers, as stipulated by law, to his deputy.

#### Responsibilities of the deputy director

14. The deputy director shall be responsible to the director for the proper management of the organization of the affairs of the following departments, and he shall perform the task of the Inspector General, and the regulations shall specify his powers.

#### Establishing the leadership body and its powers

15. (1) A leadership committee shall be established in the apparatus to assist the director, and formed as follows:

- (a) The director as chairman
- (b) Deputy director, as member
- (c) Assistants to the director, as members
- (d) Department heads/managers, as members

(2) The apparatus's Command Authority shall be concerned with the following:

- (a) Assisting the director in carrying out his duties and powers,
- (b) Formulating general budget proposals

- (c) Any other tasks or duties assigned to it by the director or the minister, as the case may be,
- (d) Issuing internal bylaws to organise the apparatus's business and meetings.

**Chapter Four**  
**Appointments, Promotions, Transfers and Leave**  
**Designation**

16. Regular ranks and uniforms:

- (1) The regular ranks of officers in the force are:
  - (a) An internal security brigade
  - (b) The brigadier-general of internal security
  - (c) An internal security colonel
  - (d) An internal security major
  - (e) An internal security captain
  - (f) Senior Lieutenant, Internal Security
  - (g) An internal security lieutenant
- (2) Members of the regular ranks without the rank of officer:
  - (a) An internal security assistant
  - (b) Internal security senior sergeant
  - (c) An internal security sergeant
  - (d) An internal security corporal
  - (e) Agent of an internal security corporal
  - (f) Internal security soldier
- (3) The regulations specify uniforms and military insignia for the regular ranks of the members.

Appointing the director, his deputy, and his responsibilities and authorities

17. (1) Based on the recommendation of the Minister, the Sovereign Council shall appoint the director and his deputy.
- (2) The director assumes direct responsibility for managing the affairs of the members of the apparatus in its various units, branches, divisions, institutions, and as related to its organization, training, arming, equipping, and monitoring its activities.

Appointing officers

18. The Sovereign Council shall appoint officers on the recommendation of the minister in accordance with the provisions of this law and the regulations issued pursuant to it.

Conditions for appointing members

19. Any person appointed to the following apparatus is required:

- (a) To be Sudanese by birth,
- (b) (Characterized by uprightness, honesty, good character and good reputation,
- (c) To not have been convicted of an offense involving dishonor or breach of trust,
- (d) To meet the medical and scientific requirements.

Appointment of non-commissioned officers and soldiers

20. (1) The director shall appoint suitable persons to fill vacant posts for non-commissioned officers and soldiers, in accordance with the provisions of this law and the regulations and orders issued pursuant to it.

(2) A person will not be considered appointed according to the provisions of Articles 16 and 18(1), for example, a person who receives any money from the apparatus without fulfilling the conditions of appointment in accordance with the provisions of Article 18.

Hiring employees, consultants, and technicians

21. The director may appoint civil servants and employees, including professionals and technicians with specialization who are needed by internal security, according to the contracting system; the regulations will specify their functional and financial entitlements.

Training

22. regulations specify basic and continuous training for officers, non-commissioned officers and soldiers throughout their service period.

Promotions

23. (1) The regulations define the principles and conditions for the promotions of the employees of the apparatus.

(2) The promotions of officers shall be approved by a decision of the Sovereign Council, upon the recommendation of the minister.

Transfers

24. (1) (a) Officers are transferred with the approval of the director,

(b) Non-commissioned officers and soldiers are transferred with the approval of the line manager or his authorized representative.

(2) The regulations regulate the foundations and principles of transfers.

#### Leave

25. The regulations govern periods of leave granted to members, including types of leave and the how/when they should be granted.

#### Salaries and allowances

26. (1) The Sovereign Council, upon the recommendation of the minister, shall determine the rights and privileges of the apparatus's members, guaranteeing them a decent living and an appropriate social situation, while enabling them to carry out the responsibilities and duties entrusted to them.

(2) When determining the salaries and allowances of the members of the apparatus, it is taken into consideration that the salaries are compatible with the burdens of the job and the occupational risks to which members are exposed.

(3) Financial regulations will determine the structure of salaries, wages, allocations, allowances, and bonuses for all members of the apparatus, and the degrees and methods of linking them upon appointment, promotion, assignment, secondment and ratification.

(4) Ratification of periodic bonuses for officers, non-commissioned officers and soldiers is done in accordance with what is specified by the regulations, instructions and orders.

#### Medical treatment, accommodation, and relocation

27. (1) The state shall take care of the medical treatment of members and those under its sponsorship.

(2) The state shall undertake the treatment of members injured during or as a result of their work inside or outside of Sudan in a manner specified by the laws and regulations.

(3) The state shall provide suitable housing for members, and the regulations specify degrees of entitlement to housing or housing allowance.

(4) The state guarantees the relocation of the member and those under his sponsorship, according to the apparatus's financial regulations.

#### Seniority

28. The regulations shall determine the seniority of officers, non-commissioned officers, and soldiers.

After-service benefits

29. The employees of the apparatus are subject to the Police Force Officers Pensions Law 1995, and the Non-Commissioned Officers and Soldiers of Police Forces Pensions Law 1995, as the case may be.

End of service for members of the device

30. The service of a member in the apparatus may be terminated for one of the following reasons:

- (a) His death, factually or legally,
- (b) Reaching the statutory retirement age for a pension in accordance with the provisions of the Pensions Law,
- (c) Exemption based on his request to retire without the party being vacant,
- (d) Voluntary retirement in accordance with the provisions of the Pensions Law,
- (e) A decision by a medical committee that he is not fit to continue serving,
- (f) Losing Sudanese nationality or acquiring the nationality of another country,
- (g) Being convicted of a final judgment in a crime affecting honour or trust, or sentenced to imprisonment for a period of six months or more, if the imprisonment is not because of his work,
- (h) Dismissal from service,
- (i) Having spent the maximum period of time specified in the rank in accordance with what is specified by the regulations,
- (j) Holding a constitutional office,
- (k) A termination of the service contract, in the case of non-commissioned officers and soldiers, but the director may, if the public interest requires, keep him in service for a period not exceeding six months,
- (l) The officers did not pass the probation period determined for confirmation in service, as determined by the regulations.

**Chapter Five**  
**Violations, Crimes and Penalties**  
**Infringements**

31. The regulations specify the violations and the penalties outlined in their regard.

Offenses and penalties

The extent of application of the provisions of the criminal law to members

32. (1) If any member commits a crime in violation of the provisions of this law, and the crime committed at the same time is a crime in accordance with the provisions of the criminal law in force, then the aforementioned member shall be punished according to the provisions of this law, and the director may, for objective reasons, refer him to trial before the competent court.

(2) Subject to the provisions of Clause (1), the provisions of other laws in force on members shall be applied in the event that they commit any crime in contravention of it and not stipulated in this law.

Punishment for offenses involving the enemy

33. (1) Any member who commits any of the following acts shall be punished with death or life imprisonment and dismissal from service:

- (a) He leaves or surrenders in a shameful manner any point, center, or place of guard for which it is his duty to defend,
- (b) He casts or delivers disgracefully his weapon or ammunition, or his machines or equipment in the presence of the enemy,
- (c) He transmits to the enemy, directly or indirectly, any news related to the security of the country, or helps him, directly or indirectly, to reach that,
- (d) He neglects to report immediately to his superior or to any other officer about the actions that he knew of, or that he knew of direct or indirect correspondence or connections carried out by any of the enemy.

(2) For the purposes of this Article, "enemy" refers to any natural or legal person who is in a state of war with the country, threatens its security, or carries out subversive or terrorist acts against the state.

Punishment for the crimes of conspiracy and rebellion

34. Any member who commits the following acts shall be punished with death or life imprisonment and dismissal from service:

- (a) Attempts to conspire with, or provoke, participate in, or cause rebellion,
- (b) Any rebellion is present and does not make every effort to suppress it,
- (c) He is aware of or has reason to believe that there is a rebellion or an intention to carry it out, or any conspiracy against the existing constitutional order, and he does not report that.

The penalty for endangering the internal or external security of the country or the apparatus

35. Any member who intentionally commits an act or refrains from doing so with the intent to endanger the country's internal or external security or the apparatus is punishable by death or life imprisonment and dismissal from service.

Punishment for negligence in the performance of duty

36. Every member who commits any of the following acts may be punished with imprisonment for a period not exceeding ten years, or with a fine, or with both:

- (a) Neglects to immediately report to his superior, or any higher officer, the information that has come to his attention coming under remit of the corps,
- (b) Is grievously negligent of or oversteps the proper limits in any of the duties stipulated in this law.

Punishment for abuse of powers or abuse of office

37. Every member who abuses the powers vested in him under the provisions of this law, or exploits his position in the apparatus, with the intention of achieving any material or intangible benefit for himself or for others, or causes harm to others, shall be punished with imprisonment for a period not exceeding ten years, or a fine, or with both punishment and dismissal from service.

Penalty for illegal material gain and making a false statement

38. Every member who commits any of the following acts shall be punished with imprisonment for a period not exceeding ten years, or with a fine or with both penalties together or with dismissal from service.

- (a) Gets for himself or for someone else an allowance or pension, or a benefit or money, or concession, by submitting false statements, or knowing that they are incorrect,
- (b) He intentionally makes a false statement or report to any person or apparatus about the number of any members under his leadership or responsibility, or their condition, or the amount of any money, tools, missions, equipment, machines, clothing, or personal weapons under his custody, whether that money, tools, apparel, or personal weapons belong to those members, the apparatus, or any person attached to it, or he deliberately omits to send a statement or report on any of the aforementioned things or refuses to send it.

Penalty for accepting illegal favours or remuneration

39. Every member who accepts, directly or indirectly, any favours or remuneration whether for himself or for others, or obtains those favours or the aforementioned remuneration, or agrees to it being given in exchange for acceptance of anyone in service of the corps, or leniency in accepting any tools, missions, weapons, or ammunition to administer under his control, shall be punished with imprisonment for a period not exceeding five years, or with a fine, or with both penalties together or with dismissal from service.

Penalty for disposing of weapons, ammunition, and other materials

40. Any member who, in an undue manner, avails himself or allows others to avail themselves of the use of weapons, ammunition, tools, assignments, equipment, machines or garments issued to him to use in the performance of his duties, or under his responsibility, custody or guardianship shall be punished with imprisonment for a term not exceeding ten years, or with a fine, or with both of these punishments

Punishment for money crimes

41. Every member who commits any of the following acts shall be punished with imprisonment for a term not exceeding ten years, or with a fine, or with both penalties together or with dismissal from service:
- (a) He misappropriates or transfers for his own benefit any funds, supplies, tools, or equipment under his control,
  - (b) Receives with the intention of keeping for himself any funds, tools, supplies, or equipment,
  - (c) He seizes any property in respect of which the crime has been committed, or keeps it while he knows or has reason to believe that it is,

- (d) He damages or destroys any property belonging to the apparatus, intentionally or due to negligence, or disposes of it in any of the conducting ownership or loses it.

Punishment for offenses related to guardianship

42. (1) Every person who commits any of the following acts shall be punished with the same penalty for the crime according to which the member was arrested.

- (a) He refuses to hand over any member or person who has been arrested or detained, or who has been entrusted to him for custody while performing his duty as a guard, to any official body authorized by law to receive it the arrestee/detainee,
- (b) Any member or person in his custody who is released without a legitimate order to do so, or neglected in a way that enables that member or person to escape.

(2) He shall be punished with imprisonment for a period not exceeding five years, and he may also be punished with dismissal from service (i.e. a member who is placed under guard and escapes).

Punishment for false accusation and false statements

43. Every member who commits any of the following acts shall be punished with imprisonment for a term not exceeding five years:

- (a) Making any false accusation against any other member,
- (b) Misleadingly makes, upon submitting any complaint, any false statement regarding an incident or behavior related to any other person or member of the apparatus, or deliberately refrains from providing any material information in this regard.

Punishment for desertion

44. (1) Every member who escapes from service shall be punished with imprisonment for a period not exceeding five years, or with a fine, or with both punishments and dismissal from service, provided that this penalty does not prejudice a portion to which he is liable under the provisions of this Law.

(2) For the purposes of Clause (1), every member who is absent from his place of work or who does not reach after the end of his leave without an acceptable excuse is considered to be absent from service, if the period of his absence exceeds twenty-one days.

Punishment for members after leaving service with the apparatus

45. (1) Any member who is referred to retirement with a pension or leaves service for any reason shall be punished with death or life imprisonment, if he discloses to the enemy any of the apparatus's secrets or transmits to him any information related to the apparatus that may have come to his knowledge during his service in it or because of it.

(2) Every member to whom the provisions of Clause (1) apply, shall be punished with imprisonment for a term not exceeding ten years or with a fine or with both punishments if he divulges secrets or transfers the information mentioned in that clause to any person.

(3) Every member who has previously worked for the apparatus and impersonates a member shall be punished with imprisonment for a period not exceeding five years.

Punishment for the use of criminal force against superiors and mistreatment of subordinates

46. He shall be punished with imprisonment for a term not exceeding three years, or with a fine, or with both punishments, and he may also be punished with dismissal from service, any member who uses force against:

- (a) His superior officer or assaulted against him, or he proceeds to do so during the service or outside it, and he knows or has a reasonable reason to believe that he is his supreme officer,
- (b) Attacks any of his subordinates, or attempts to do so.

Punishment for crimes related to the organ court

47. Every member who commits any of the following acts shall be punished with imprisonment for a period not exceeding two years, or with a fine:

- (a) He willfully refrains from attending after his official announcement to testify before the court, or refuses to take an oath, or make any statements, or answer any question, or bring any document, anything else, or deliver it upon his request to do so,
- (b) He makes, after taking the oath as a witness or during his interrogation before the apparatus's court, or any other competent court authorized to

take an oath, or interrogate any false statements, and he knows this or believes that they are not true,

- (c) Intentionally directing any abuse in the apparatus's court while it is in session, or causing disturbance or disturbance in it, or using any word or sign or any sign within it, intended to be threatening or disrespectful, or showing violence and disobedience before it.

Punishment of incitement or coercion to commit crimes

- 48. Every member who incites or coerces another to commit any of the crimes stipulated in this law shall be punished by the same penalty prescribed for committing the crime that the other member incited or coerced to commit.

**Chapter Six**

**Legal Affairs and the Apparatus's Courts**

**Legal Affairs**

- 49. (1) Legal Affairs is concerned with the professional legal work in the apparatus, and it is staffed by officers with legal qualifications who hold a law degree from a recognized university.
- (2) The regulations define the competencies and duties of the legal affairs.
- (3) The decisions issued by the legal affairs on professional matters related to standards and regulations are obligatory to work on them in the apparatus, and they shall only be reviewed by the director general.
- (4) Legal affairs officers shall have the right to appear before all the courts in which the apparatus or any of its members is a party if the crime under consideration by the courts was committed during or because of the work.
- (5) The officers working in legal affairs are granted the authority to authenticate contracts to which the apparatus is a party as long as the legal conditions specified by the laws regulating that are fulfilled.

Requesting permission to initiate criminal proceedings

- 50. (1) No act performed by a member in good faith during or due to the performance of the duties of his station, nor the performance of any duty imposed on him, or resulting from any action undertaken by him in accordance with authority delegated or granted to him as required by the Criminal Procedure Law or any other law in force or any regulation or orders issued pursuant to any of these, shall be considered a crime, provided that that act is within the limits of the deeds or duties imposed on him or

according to the authority conferred on him under the Code of Criminal Procedure or any other law, and does not exceed a reasonable amount of power to carry out his duties or to implement the law without any other motive to perform that act.

(2) Without prejudice to the authority of the Public Prosecution in the investigation, it is not permissible to take any measures against any member if the legal affairs of the corps rule that he committed an act that constitutes a crime that occurred during or due to the performance of his duties or any legal order issued to him in his capacity as such, and it is not permissible to prosecute him without permission issued by the minister or his delegate.

(3) The state shall pay any compensation or blood money on behalf of the member or any other person legally mandated, for crimes committed during or because of official work.

(4) Every member who encounters any legal procedures requiring him to be placed in legal custody shall be imprisoned in the apparatus's facilities pending a decision on the procedures, and the regulations shall determine the terms of his detention by imprisonment.

#### Courts of the apparatus

51. (1) The courts of the apparatus shall constitute the following:

- (a) A summary court,
- (b) A non-summary court,
- (c) A court of appeal,
- (d) The Supreme Court.

(2) The authority of the summary court shall be presided over by an officer with a rank not lower than the captain, who is higher than the accused and investigator.

(3) The presidency of the non-summary court shall be assumed by an officer whose rank is no lower than the major, with a higher rank than the accused and investigator.

(4) The presidency of the Court of Appeals shall be undertaken by human rights officers whose rank is not less than the first-person, provided that he is older than the accused and the investigator, and the membership of two other jurists.

(5) The presidency of the Supreme Court of the apparatus shall be assumed by a human rights officer whose rank is not below the colonel, provided that he is older than the President of the Court of Appeal and two other members of the jurists.

(6) The officer appointed in the courts enjoys the powers of the judge within the limits of his jurisdiction and assignment.

(7) The director general or whoever he delegates shall establish the apparatus's established courts of all kinds and appoint officers for membership or presidency of these courts of all ranks.

(8) The regulations, instructions and procedures to be followed before the apparatus's courts and procedures for appeal, confirmation and examination shall be defined.

(9) In the event that this law or the regulations issued pursuant to it are devoid of any provisions regulating court procedures, appeals, confirmation and examination, the provisions of the Criminal Procedure Law in force shall apply.

#### Administrative and judicial supervision of the apparatus courts

52. (1) Legal Affairs shall undertake the administrative and judicial supervision of all the apparatus courts.

(2) Without prejudice to the general nature of the above, legal affairs are concerned with the following:

- (a) The referral of any case for trial before any of the apparatus courts,
- (b) The formation of the Appeals and Higher Chambers,
- (c) Recommending to the Director General the suspension of proceedings,
- (d) Recommending to the Director General to drop the conviction and punishment partially or completely by the Sovereign Council.

(3) Notwithstanding the foregoing, Legal Affairs may refer any lawsuit to be summarily held accountable by any officer higher in rank than the accused, whenever the act or omission represents a violation and not a crime.

#### The jurisdiction of the apparatus courts

53. (1) The apparatus's summary court shall have jurisdiction in adjudicating any of the violations mentioned in the regulations, and shall impose on them the penalties prescribed for them.

(2) The non-summary court shall adjudicate the crimes and violations stipulated in this law or any other law in force, and it may impose any of the penalties and penalties prescribed for it.

Jurisdiction of the appeals court

54. (1) The appeals court shall have jurisdiction over any appeal submitted against any judgment issued by the apparatus's courts.

(2) The Court of Appeal may exercise any of the following powers:

- (a) Uphold convictions and sentences,
- (b) Annulment of convictions and sentences,
- (c) Supporting convictions and changing the penalty by dropping it, commuting it, or replacing it with any other punishment authorized by law,
- (d) Ordering the return of the case to the trial court for review and reconsideration in accordance with its directions,
- (e) Ordering that the case be tried before another competent court,
- (f) Annulment of the judgment and annulment of the procedures resulting from it, which shall be considered nullification of the case, unless the court orders a retrial.

(3) The judgments of the apparatus courts shall be final on appeals against summary judgments.

The jurisdiction of the Supreme Court

55. (1) The apparatus's Supreme Court shall have jurisdiction to review measures issued by the courts of appeal if the appealed judicial measure is based on a violation of the law or a mistake in its application or interpretation.

(2) The following judgments issued by the courts of the competent apparatus shall be submitted to the Supreme Court of the apparatus, namely:

- (a) A penalty of imprisonment for a term of five years or more,
- (b) The penalty of dismissal from service for officers.

(3) The Supreme Court may, upon hearing support or appeal by appeal or cessation, exercise the same powers of the Court of Appeal mentioned in Article 54(2) of this law.

Endorsing death sentences and life imprisonment

56. The Chief Justice shall have the authority to endorse the rulings of the police courts issued in accordance with the provisions of this law with regard to life imprisonment.

Not eligible for membership in the organ courts

57. It is not permissible for the following to undertake or participate in hearing any lawsuit before the apparatus's courts:
- (a) The officer investigating the accusation,
  - (b) The complainant or any of the witnesses,
  - (c) Any person who as an interest.

Power to stop proceedings

58. (1) The director may, on his own initiative or at the request of any party or the recommendation of the legal affairs, request the procedures of any case before any of the apparatus's summary or non-summary courts, before issuing a judgment and a reasoned decision to suspend the procedures; his decision is final and may not be appealed.
- (2) Notwithstanding what has been mentioned in Clause (1), the director may not exercise this authority if it pertains to a private right of any other person, unless the request is submitted by that person.

Dropping convictions or sentences

59. The Sovereign Council, upon the recommendation of the Minister, may waive, in whole or in part, any conviction or punishment issued by the apparatus's courts.

The jurisdiction of the apparatus courts

60. (1) With the exception of *hudud* crimes, the apparatus courts shall have jurisdiction to adjudicate the acts or omissions committed by any member subject to the provisions of this law which are a crime or violation under it, or under any other law if it is committed during the performance of official work or because of it.
- (2) Notwithstanding the above, the apparatus courts do not have jurisdiction if one of the accused is not subject to the provisions of this law except with the approval of the competent court after the indictment of the accusation.
- (3) Without prejudice to the provisions of Clause (1), the director or whoever he delegates may refer any criminal case to a regular, competent court if he deems that the public interest and justice so require.

**Chapter Seven**  
**Miscellaneous Provisions**  
**Detainee Rights**

61. (1) Arrested and detained persons shall enjoy the rights stipulated in the Bill of Rights mentioned in Chapter 14 of the Constitutional Document for the transitional period for the year 2019, and the Criminal Procedure Law.

(2) Without prejudice to the general nature of the foregoing, the detainee shall enjoy the following:

- (a) Informing him of the reasons for his arrest,
- (b) The right to inform his family of the place and reasons for his arrest and to communicate with them,
- (c) The right to meet with his lawyer with the approval of the competent prosecutor,
- (d) Treating him in a manner that preserves human dignity and not physically or mentally harming him,
- (e) Preserving his movable property, which was found in his possession at the time of his arrest,
- (f) Permitting his family to visit him with the approval of the competent prosecutor after the first 24 hours of his arrest, whenever this does not conflict with any legal measures taken in his regard,
- (g) Handing him a copy of the release order whenever requested.

**Apparatus**

62. (1) The internal security apparatus shall have an independent budget to be prepared for the financial principles followed in the state and shall be prepared by the management body for approval by the Council of Ministers.

(2) The director shall be responsible for implementing the approved budget for the apparatus in accordance with the provisions of this Law, the regulations issued pursuant to it, and the Financial and Accounting Procedures Law.

(3) The Audit Bureau shall audit the organ's accounts.

**Prohibition of seizures**

63. (1) It is not permissible to dispose or seize real estate, movable property, or the apparatus's funds, as long as they are related to its tasks and duties

(2) It is not permissible to withhold or set off salaries, bonuses, or any financial benefits for any member except in fulfillment of a fixed debt of the government or a court ruling within the limits of a quarter of the salary.

Flag and logo of the apparatus

64. The apparatus shall have a flag and emblem, and the regulations shall outline its uses.

Instructions and orders

65. The director may issue instructions and orders for organizing, controlling and developing the performance of the apparatus.

Apparatus card

66. (1) Upon appointment of any member, a member card shall be issued to him and he shall be required to hold it at all times.

(2) A member's card is an official document for identification purposes and clarifies the powers vested in its holder, and all governmental and other units are obligated to accept it.

Standing orders

67. Subject to the regulations, instructions and orders issued in accordance with the provisions of this law, the director may issue standing orders for the apparatus to regulate and control the performance of the apparatus.

Performing the oath

68. (1) Each employee of the apparatus, upon his appointment, shall take the oath of allegiance shown below as follows:

"I swear by God Almighty to give my life to God and then to serve the nation and the people and protect the constitution with all sincerity and honesty, and to devote all my time and energy throughout my service period to carrying out the duties entrusted to me according to the law of the apparatus or any other valid law or any regulations and to implement any legitimate order issued to me from my superior and to do my best to implement it even if it risks my life. "

(2) Officers take an oath before the Sovereign Council and non-commissioned officers and soldiers shall take the oath before the director.

The authority to issue regulations

69. The minister may issue the regulations, rules, and orders necessary to implement the provisions of the law.

Certification

With this I certify that the Council of Ministers and the Cabinet approved the draft internal security law for the year 2021, in its session No. (), on the day ..... of the month ..... the year 1441, corresponding to the day ..... .. From the month of ..... the year 2021 AD

Abd al-Fattah al-Burhan Abd al-Rahman, Chairman of the Sovereign Council