

In the Name of Allah, the Gracious, the Merciful

The National Police Forces Bill, 1997

Be it hereby enacted by the National Assembly with the assent of the President of the Republic in accordance with the provisions of the Interim Constitution of the Republic of the Sudan, 1998, as follows :-

Chapter I

Preliminary Provisions

Title and commencement

1. This Act may be cited as, "The Police Forces Act, 1997", and shall come into force on the date of Signature.

Repeal and Saving

1. (1) The Police Forces Act, 1994 is hereby repealed.
- (2) Notwithstanding the repeal set out in sub-section (1), the Regulations and Order issued thereunder shall remain in force until repealed or amended in accordance with the provisions of this Act.

Provisions of the Act to Prevail

Application

1. (1) The provisions of this Act shall apply to the following Categories :-
 - (a) Police Force Officers;
 - (b) police non-Commissioned officers and soldiers;
 - (c) students of police colleges, institutes and schools ;
 - (d) any of the categories constituted under the provisions of Sections 14(1) and 15(1).
- (2) Notwithstanding the provision of section (1), the provisions of this Act shall apply to any of the officers, non-Commissioned officers and soldiers

of the police forces who face an accusation under the provisions of this Act after termination of his service .

Interpretation

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

- "Police Forces", means the forces constituted under the provisions of section 11;
- "National Police", means the police forces which implement all the functions and duties provided for in this Act and any other law and shall include the commissions, bodies and administrations of the Headquarters of police forces and the specialized and general Administrations;
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- "Ministry", means Ministry of Interior;
- "Minister", means Minister of Interior;
- "Director-General", means the Director General of the police forces appointed under the provisions of section 70;
- "Deputy-Director General", means the deputy Director-General appointed under the provisions of section 18;
- "Director of Police", means the Inspector-General of Police, the Director of the Commission or the Director of General Administration or the Circuit Director or utilities or Director of Administration;
- "Unit", means a police force with a specific pay;
- "Policeman", means any of the members of the Police Force from officers, non-commissioned officers and soldiers;
- "Officer", means any policeman from the rank of lieutenant to the rank of First-Lieutenant General.

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- "Officer in charge", means the policeman responsible of any police Unit at any level of the organizational structure.
- "Superior officer", means the officer superior in rank or the non-commissioned officers' superior in rank in relation to the persons working under his command or below his rank;
- "Non-commissioned Officer", means any policeman from the rank of Lance-Corporal to the rank of warrant-officer;
- "Soldier", means any policeman other than officers and non-commissioned officers;
- "the National Standards", means the professional, administrative and organizational rules and measurements attached hereto which constitute a unified and binding framework that govern the fields of performance and activities on all police levels and relations and any other standards laid down by the Headquarters of the National Police Forces.

Chapter II

General Principles and Objectives

General Principles

- o. A Policeman, when exercising his job and duties, shall be bound by the following principles, to :-
- (a) respect the supremacy of the Rule of law;
 - (b) enhance and respect human rights in accordance with the Constitution;
 - (c) adhere to the technical, professional and behaviour systems and standards in the performance of his duties;
 - (d) respect religions and the holy convictions.

Objectives

7. Police Forces shall have the objectives to, :-
- (a) achieve the higher security interests of the country;
 - (b) achieve the bilateral, regional and International, co-operation in the field of combating Crime.

Chapter III

Duties, Functions, Powers

And obligations of the Police Forces

Duties of the Police forces

8. The duties of the Police forces shall be as follows :
- (a) maintain the security of the country and the Citizens;
 - (b) preserve the safety of persons, property and honour;
 - (c) combat crimes and discover the occurrence thereof;
 - (d) implement the sovereignty of the Rule of Law;
 - (e) preserve the reflected, lost, impounded or seized property and dispose of the same according to the law;
 - (f) make the public aware of the information and means which help to combat crimes and execute the duties of the police in a way which achieves the participation of the public assisting and supporting the police force ;
 - (g) preserve the ethics, public morals and order;
 - (h) exercise and adopt the measures and procedures for the protection of properties, public utilities and private establishments ;
 - (i) execute judicial judgments and any legal rules or decisions made by a competent authority;
 - (j) any duties assigned thereto in accordance with the laws.

Obligations of the Policeman

- ^ (1) The policeman shall be bound to devote all his time to perform his duties provided for in this Act or any other law. He shall perform, thoroughly and honestly, his duty and shall be responsible of the orders he makes and obey at all times, any lawful order made thereto by his superior officer and shall exert his utmost efforts to execute such orders.
- (2) The policeman shall be bound in his general conduct by truthfulness, honesty and sincerely and what is imposed thereupon by laws, regulations and orders and shall maintain the dignity of the citizens and shall conduct himself in such a manner as may be consistent with the respect due to his office and in accordance with the code of conduct and the virtuous values of the society .
- (3) Every policeman shall be deemed to be in service throughout the twenty four hours and shall reside within the local jurisdiction of his work on in the place which is determined or provided by his headquarters, and shall not reside outside the same, save for such appropriate reasons to be approved by the officer in charge.
- (4) No policeman shall :-
- (a) disclose any information or reveal any matters which, by nature, are confidential or by special orders, or is not permitted to disclose during or after his service ;
 - (b) keep the original or a copy of any official document, or remove the original from the files specified for keeping the same even if relates to a work entrusted thereto personally during or after leaving service;
 - (c) performs work for others with or without material or moral consideration without obtaining a written permission from the Director-General or the police

director or whoever is delegated thereby, as the case may be .

- (d) A suspended policeman shall be subjected to the responsibility and penalty, as if he is not suspended provided that he shall not exercise his powers as a policeman during the period of suspension .

Powers of the Police Forces

1. In order to implement the duties and obligations provided for in this act, the police forces, in accordance with the provisions of the Criminal Procedure Act, 1991 or any other law in force, shall have the following powers;

- (a) detention, pursuit and arrest;
- (b) blocking roads, places and public utilities;
- (c) seizure of weapons and dangerous substances, ;
- (d) interrogation and surveillance;
- (e) conduct criminal investigation;
- (f) inspection, seizure and safeguarding;
- (g) issue of warrants of attendance;
- (h) asking help from any person for prevention or occurrence of any crime;
- (i) taking sureties and bails;
- (j) use of reasonable force according to the safeguards determined by the Criminal Procedure Act, 1991 whenever it is deemed necessary ;
- (k) any other powers provided for by any law in force.

Functions of the National Police Forces

1. (1) The National police forces shall exercise the following functions; :-
- (a) lay down the national standards which govern Police work;
 - (b) plan, regulate, inspect and control the professional, administrative and technical national performance ;
 - (c) legal affairs;

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- (d) bilateral, regional and International affairs ;
 - (e) affairs of the Regional and International Police Organizations;
 - (f) works of civil Defense relating to disasters, national emergencies and lay down the standards relating to procedures relating to safeguarding, safety and civil defense work;
 - (g) administration of Emergency and central Reserve forces;
 - (h) laying down the national standards to trade in fire-arms, ammunition legally permitted;
 - (i) works of criminal and technical investigation and criminal evidence
 - (j) National training;
 - (k) Combating terrorism and organized crime across the national borders;
 - (l) Supplying the citizens with information and means which help control of crime and combating thereof which makes him aware to participate in security responsibility;
 - (m) Combating narcotics and psychotropic substances;
 - (n) Secure and guard national establishments and utilities and protect important figures;
 - (o) Competing illegal trade of weapons and prohibit smuggling thereof;
 - (p) The passports and immigration workers and aliens' affairs;
 - (q) Control and regulate international borders;
 - (r) Principles and rules of the civil registry;
 - (s) Principles and rules of national traffic;
 - (t) Administer and maintain national prisons, and preserve the security therein and taking care and rehabilitate and reform the residents thereof;
 - (u) Customs and combating smuggling works;

- (v) Rules and systems of Fire Brigades , and saving and assurance of safety measures according to the required standards;
- (w) Lay down the rules to protect and safeguard the antiquities;
- (x) Lay down the rules and standards of wildlife protection and environment police;
- (y) Other functions or works of national nature;
- (z) any other functions or duties assigned thereto by the law.

Chapter IV

Constitution of the Police Forces and

Coordination between them

Constitution of the Police Forces

- (1) The Police is a regular service force and its duty is to keep security and order and the implementation of the law. It performs its duties with neutrality and honesty, in accordance with the law and the national and international standards.
- (2) The Police Forces shall be constituted decentralized according to the following standards:-
 - (a) the National level and the law shall specify its functions in accordance with the Interim Constitution of the republic of the Sudan 1990;
 - (b) the Southern, Sudan level and the Transitional constitution of the southern Sudan and the laws shall specify its functions;
 - (c) the state level and the state constitutions shall specify its functions.
- (3) All police levels shall be bound by the national professional, administrative regulatory, technical and behavior standards in performing the job.
- (4) The Police Forces are constituted out of officers, non-commissioned officers and soldiers.

Coordination and Cooperation mechanisms

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17. The Presidency of the Republic shall establish, under the provisions of Article 187(4) of the Transitional Constitution, (2009) mechanisms to ensure the good coordination and cooperation between the three levels of the police to be provided by the Director-General and the decree shall specify the constitution and functions of such mechanisms.

The Authority to Move and control the Forces

During the state of Emergency

- 17.(1) The Minister, may, in the state of emergency, order the moving of the National Police Forces to support the Police Forces an any level.
- (2) The Director General shall have the power of moving any National Police Force; to work in any state, according to the request of the Wali.
- (3) In case of the state of emergency in which the National Police is summoned to interfere to assist the Police of the South or the state's Police, the concerned police of the southern Sudan or the state's police shall be part of the National Police.
- (4) All the Police Forces mentioned in sub-sections (2) ; shall be placed under the command of the officer superior in rank and under the supervision of the Director General .

Constitution of the Additional Reserve Forces

- 18.(1) The President of the Republic may, by an order as he makes, pursuant to a recommendation from the minister, constitute any additional reserve forces to perform general, special or temporary duties.
- (2) The President of the Republic may by order, delegate to such force constituted under the provisions of the above sub-section, within the limits of such order all or part of the powers conferred upon the police forces under the provisions of this Act or any other law.

- (v) The Minister may make the necessary regulations for the organization of the force constituted under the provisions of the above sub-section (1).

Delegation and Devolution of Powers

10. (1) The President of the Republic may delegate any of his powers to the Minister, under the provisions of this Act.
- (2) The Minister may delegate any of his powers, under the provisions of this Act to the director general.
- (3) The Director General may delegate any of his powers under the provisions of this Act to any of his subordinates.
- (4) The Minister may, by an order issued under the recommendation of the Director General, delegate any person or class of persons temporarily or permanently to exercise any of the power conferred upon the members of the Police Forces to perform the duties imposed upon him; within the limits state in that order.

Subjection of the Police Forces to the Armed Forces Laws and Regulations

11. (1) The president of the Republic may, on the declaration of the state of emergency amalgamate all or part of the police forces within the armed forces.
- (2) The police forces which were amalgamated within the Armed forces shall be subject to all the Armed Forces laws, and enjoy all the rights and privileges of the Armed Forces.

Chapter V

Command of the National Police Forces

12. (1) The National Police Forces shall be under the supreme command of the president of the Republic.
- (2) Without Prejudice to the Supreme command of the President of the Republic provided for in sub-section (1) the police forces shall be under the command of the Minister who shall have the following powers, to :-

- (a) approve the plans and the general polices in consultation with the command general staff ;
 - (b) regulate and modernize the national police forces to conform with scientific and technical development;
 - (c) approve the necessary needs of the national police forces;
 - (d) conclude contracts and international agreements to which the Ministry is a party ;
 - (e) approve the nomination of police delegations for participations outside the Sudan;
 - (f) approve the budget scheme of the National Police and submit the same to the competent authorities for approval;
 - (g) recommend to the national security council in matters relating to the responsibilities and duties of police;
 - (h) approve the organizational structures of the national police forces upon the recommendation the Director-General;
 - (i) approve the establishments of private security companies upon the recommendation of the Director-General
 - (j) formation of a force for protection of wildlife ;
- (r) The minister may delegate any of his powers to the Director-General or any of his Deputies with the conditions and measures as he deems appropriate.

Police General staff Command

- 1A.(1) There shall be established a police general staff command to assist the Director-General in the command of the police forces and shall be constituted as follows :-
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| (a) commissioner General | Chairperson; |
| (b) Deputies of the commissioner General | members |
| (c) Heads of the General Administrations | Members |
| (d) Any complete or less objective membership as specified by the regulations | |
- (v) The command general staff shall have the following functions to :-

- (a) assist the Director-General in the execution of his functions and powers;
 - (b) lay down proposals of the public budget;
 - (c) any functions or other duties assigned thereto; by the Minister or the Director-General ;
- (r) The regulations and directions shall organize the procedures of the work of police general staff command.

National Police Administration organization

19. (1) There shall be established an organization for the administration of the national police to assist the Director-General in the administration of the national police forces and shall be constituted as follows:-
- (a) the Director-General Chairperson
 - (b) Deputies of the Director-General members
 - (c) any complete or less objective membership as specified by the regulations.
- (v) The Director -General may invite any of the heads of the administration or of any competent persons to attend the meeting.
- (r) The Administration organization shall have the following functions:-
- (a) follow-up the implementation of the plans, programs and public policy;
 - (b) follow up the plans, programs and private studies relating to the development of the forces;
 - (c) any other functions assigned thereto by the Minister.
- (4) The regulations and directives shall organize the procedures and work of the administration organization

Appointment of General Director and Deputies

20. The President of the Republic shall appoint the General Director and his deputies from among the list of officers holding commission in the work of Police Force in rank of lieutenant and above upon recommendation of the Minister, and the regulations determine their scales and functions .

Functions of General Director

21. (1) The General Director shall be responsible before the Minister on good performance, and exercise the following functions :-
- (a) issue directives and necessary orders which regulate Force affairs and its promotion .
 - (b) control professional, financial, technical and administrative performance ;
 - (c) determine needs of national Police and recommend the same to Minister ;
 - (d) nominate delegations of police to external participations;
 - (e) appoint administrations directors;
 - (f) appoint national utilities directors on consultation with of utilities director .
- (2) Deputies of General Director shall be responsible before the General Director for good administration and regulation of institution affairs belonging to them, and the regulations shall determine their functions .

Director for Customs

22. (1) The Minister shall appoint director for public administration of Customs upon recommendation of Minister of Finance and National Economy .
- (2) Director of customs shall prepare Customs budget in consultation with Minister of Finance and National Economy, and shall be responsible for its implementation after its approval.

Appointment of Police Director in Northern State

23. The General Director shall appoint Police Directors in Northern States in consultation with governors.

Chapter VI

Ranks, selection, appointment and rehabilitation Ranks

24. (1) Ranks of Police officers shall be as follows :-
- (a) first Lieutenant General;
 - (b) Lieutenant General;

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- (c) General;
 - (d) Brigadier;
 - (e) Colonel;
 - (f) Lieutenant Colonel;
 - (g) Major;
 - (h) Captain;
 - (i) first Lieutenant;
 - (j) Lieutenant.
- (Y) Ranks of non-commissioned officers shall be as follows :-
- (a) warrant-officer;
 - (b) first sergeant;
 - (c) sergeant;
 - (d) Corporal;
 - (e) Lance Corporal;
 - (f) Soldier.

Admission to Police and law sciences college

- Y*. (1) Admission to the Police and law sciences college is a right guaranteed to all Sudanese citizens, by way of free competition without discrimination because of sex, religion, location or any other discrimination .
- (Y) Any person wishing to join the Police Forces, shall b :
- (a) Sudanese national by birth, whose parents are both Sudanese by birth and shall not be a bearer of a nationality of another state.
 - (b) of good manners and reputation and not to have been convicted in on offence against honour or trust nor sentenced for imprisonment ;
 - (c) medically and physically fit for work in the Police Force ;
 - (d) pass prescribed test for testing his fitness to work in Police Force;
 - (e) fulfilled the required academic or technical qualifications Conditions .
- (Y) The competent authority in the Government of the south or the State, may nominate their students for admission at the Police and law sciences college, according to the conditions issued by the headquarters of the Police Force.

- (4) The admission shall be made by the headquarters of Police, in accordance with the national standards and systems; and selected persons shall be trained at the Police and Law Science College; and the National Police training institutions, according to the national syllabus.

Appointment of Officers

26. (1) The President of the Republic shall appoint the officers, on the recommendation of the Minister.

Granting Commission and the Oath

27. (1) The President of the Republic shall grant, on a recommendation by the Minister, the commission of an officer in the Police Forces, to any officer who successfully passes the period of qualification at the Police and Law Sciences College.

- (2) The officers shall, on their appointment take before the President of the Republic or whoever he may authorize the oath of allegiance provided for in section (24) of this Act.

Confirmation of Officer's in Service

28. (1) Officers on their appointment shall undergo a probationary period and the regulations shall determine safeguards and conditions of confirmation in service.

- (2) The President of the Republic may, on the a recommendation of the Minister, terminate the service of an officer who is under the probationary period, where it is proved that he is unfit to work in the Police Forces.

Determining the Seniority of Officers

29. (1) When appointing or promoting any two officers, or more in a rank, in a concurrent date, seniority shall be according to a rank, in a concurrent date, seniority shall be according to arrangement shown in the order of appointment or promotion.

- (v) a unified list shall be laid down for the Police Officers, according to the absolute seniority pursuant to the order of appointment or promotion .
- (r) Separate detailed seniority lists shall be made from the unified list of the officers, as follows :
- (a) the general seniority list of the commissioned officers;
 - (b) The seniority list of the technical and professional officers;
 - (c) The seniority list of the non-commissioned officers.
- (t) Each level of Police may put a list of seniority for its officers for purposes of internal organization provided that it shall not contradict the unified list of seniority.
- (e) An officer shall not be transferred from the seniority list to another unless he fulfills the transferring conditions specified by regulations and orders.
- (1) The provisions of clauses (v), (r), (t) and (e) shall not apply to Southern Sudan Police.

Promotion of Officers

- (1) Without prejudice to Southern Sudan Police, officers are selected for promotion according to the provisions of this Act and the regulations there of.
- (v) Subject to the sub-section (1), of this section the General Director may form a joint committee, which represent the Police at the national and state levels, to consider the recommendations submitted for promotions, in accordance with the unified standards.
- (r) The proceedings of the committees and recommendations of the candidate officers for promotions, from the national and state levels, shall be submitted to the Director General.
- (t) The approval for the promotions of officers of the rank of colonel and above shall be effected by a decision by the President of the Republic, on a recommendation by the Minister.

- (e) The approval for the promotions of officers of the rank of Lt. Colonel and below, shall be effected by a decision of the Minister, on a recommendation by the Director General .

Transfers of Officers

31. (1) Officers transfers shall be carried out in accordance with the provisions of this Act and the regulations thereof .
- (v) The general Director shall issue the orders for transfers, on the national and state levels.
- (v) The General Director shall, in consultation with the competent authorities, in the government of the Southern issue the transfer of any a number of Southern Sudan Police officers, to any Police unit, if he deemed that necessary.
- (t) The General Director may; in accordance with a request from the competent authorities in the Southern Sudan Government, order the transfer of any number of officers from the national Administrations, to fill the vacant posts therein .

Termination of Service of Officers

32. (1) Police service of an officer shall be terminated for any of the following reasons:
1. His death actual or legal death;
 2. Attaining the age of retirement for pension, in accordance with the provisions of the Police Officers Pensions Act.
 3. to relieve him upon his request, to be retired on pension by discharge;
 4. voluntary retirement, in accordance with the provisions of the Police Officers Pension Act.
 5. a medical committee decision that he is medically unfit to continue in the Police service.
 6. to suffer retirement on pension on grounds of unfitness to exercise his job duties, for his week capacities, according to a tripartite committee report, to be formed by the General Director for this purpose;

- v. loss of Sudanese nationality or acquisition of the nationality of another State;
- Λ. if he was convicted by a court in a crime involving honour or trust, or if he was sentenced for imprisonment, for a term of six months and more.
- 9. dismissal from service .

Discharge

- 27. (1) The President of the Republic may on the recommendation of the Minister discharge from service any officer .
- (2) No officer who applies for release shall quit the duties of his job, except after the issuance of a decision approving his application
- (3) An officer in the rank colonel and above; who had completed the time bar for promotion to the above rank without getting promoted due to any of the reasons mentioned in this Act may request to be retired on pension. In case such request is approved, such pension shall be calculated on the basis of the higher rank in question.

Secondment, Loan or Deputation

- 28. (1) Secondment of any Police shall be made by a resolution of the President of the Republic.
- (2) The Minister shall have, in consultation with the director general the right for the secondment or deputation of any policeman to undertake any task or public post outside his tasks within the Police Force, and the terms of his secondment or loan shall be determined by the regulations, provided that the period of secondment or loan shall not exceed two years liable for renewal for a similar period only .

Occupying Vacant Posts and Appointing Commissioned Officers and Soldiers

- 29. (1) The Director of the Police may fill, by the method of enlistment or recruitment or promotion, all the vacant posts in the ranks of non-

commissioned officers and police soldiers in accordance with the instructions and orders .

- (v) The director of the police may conduct the transfers of the non-commissioned officers and the policemen in accordance with the regulations .
- (r) The director of the police shall maintain the seniority lists of the ranks and soldiers in the manner to be determined by the instructions and orders.
- (s) The non-commissioned officers and police, soldiers shall be transferred and re-qualified in the Police training institutions according to the case in accordance with the National training standards.

Termination of Service of Non-Commissioned Officers and Soldiers

31. (1) the police service of the non-commissioned officers and Policemen, shall be terminated for any of the following reasons :
- (a) his actual or legal death;
 - (b) end of contract of service and if the public interest requires the director of the police may retain him in the service for a period not exceeding a six months;
 - (c) attaining the age of retirement, in accordance with the Police Forces Non-commissioned Officers and Policemen Pensions Act.
 - (d) Where a medical committee decide that he is medically unfit to continue in the Police service;
 - (e) Dismissal from service;
 - (f) Being convicted in by a court in a crime involving honour and honesty, or sentenced for imprisonment for six months and more .
 - (g) Discharge;
 - (h) Loss of the Sudanese nationality or acquiring the nationality of another State.

Training

32. (1) Training in the Police Force is subject to the national standards, determined by the Headquarters of the Police . And the General Director,

in consultation with the Command Council , shall be responsible for the following :-

- (a) the determination of the training needs of the Police Forces and the preparing and executing of the various training plans inside and outside the country, at the national and state levels ;
 - (b) the preparation and development of the Police training curriculums and programmes at the national and state levels ;
 - (c) the preparation and training of trainers, the development of the techniques and means of training and the provision and consolidation of the technological apparatuses and equipments, which are used for training;
 - (d) the development and documentation of the training relations on the bi-lateral, regional and international levels;
 - (e) supervision over the Police training institutions at the national and state levels and conducting regular inspection for them;
- (f) Without prejudice to the Southern Sudan Police, the Director General shall constitute a technical training committee for the purpose of nominations for study missions and training courses, and regard shall be paid in its representation of the national and state levels.

Chapter IX

Budget, Privileges and Other Entitlements

The Budget

- 18.(1) The General Director and the director of the police shall prepare the budget of the Police Forces, in consultation with the supreme council; and shall be responsible for its implementation , after its approval.
- (2) The Director of the Utilities Police shall prepare the annual budget of the utilities police in consultation with the director general of the competent utility and he shall be responsible for following-up of its approval and implementation .

The Financial Responsibility

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- (1) The Policeman shall be responsible for all public and private property places under his custody or entrusted thereto, because of the public job.
 - (2) The members of the Police Forces shall, collectively and individually, be responsible for any premises which they occupy or wherein warehouse is established for accoutrements-warehouse and otherwise of public and private property placed under their custody or trust.
 - (3) No salaries, or increments or entitlements or any policeman shall be attached or set off, save for the discharge of an established government debt or for execution of a judicial ruling within the limit of one quarter of the pay .
 - (4) The Police Force real states, or movables or property shall not be disposed of or attached .

Salaries and Emoluments

- (1) The President of the Republic shall determine, on the recommendation of the Minister, the rights and privileges of the Police Forces, which ensure them a decent life and suitable social status, thus, enabling them to undertake the responsibilities and duties assigned to them .
- (2) The Salaries and emoluments of the Police Force shall be consistent with the burdens of the job; and the professional risks to which the Policeman is exposed.
- (3) The financial Regulations shall specify the scale of pays and wages, allocations, increments and allowances for all the Police Force, ad the segments and ceilings thereof and the methods of their limits at appointment, promotion, secondment and loan and the approval thereof.
- (4) The approval for periodical increments for officers, non-commissioned officers and soldiers shall be according to the regulations, instructions and orders.

Treatment, Lodging and Transportation

- 41. (1) The State undertakes to effect the medical treatment of the Policeman and his dependents.
- (2) The State undertakes to effect the medical treatment of the Policeman who is injured during the work, or because of his work, inside he Sudan, or outside it, in the manner to be determined by the laws and regulations.
- (3) The State shall provide the suitable lading for the Policeman; and the regulations shall specify the grades of the entitled lodging, or the housing allowance.
- (4) The state shall undertake to transport the solidier and his dependents; according to the financial regulations of the police .

Leaves

- 42. Leave is a right for the Policeman; and the regulations and the instructions shall specify it kinds and conditions for granting it .

Privileges and Other Entitlements

- 43. (1) The regulations shall determine the entitlements, privileges, remunerations or emoluments of the Policeman; in addition to his pay, in consideration of discharging the duties, responsibilities and obligations which are provided for in this Act; or any other law.
- (2) Notwithstanding what was provided for in the above sub-section :-
 - (a) any policeman who attained fifty years of age in service or retired to pension shall be exempted form the estate rates and tax for his own private dwelling and from the fees for litigation in any law suit;
 - (b) any officer shall have the right to own a pistol , rifle and a shot gun which shall be licensed and renewed without fees, in accordance with the Regulations and rules .

- (c) the policeman in service and his first degree relatives shall be exempted from the fees of extraction and renewal of identification documents and the policeman who retired to pension shall be exempted from these fees fro his person.
- (d) The officer in the rank of Lt.General and higher ranks, shall, on retirement, keep the title of the rank, without reference to the word retirement.
- (e) The policemen and his first degree relatives shall be exempted from the fees of immigration dealings and he shall be exempted for his person from the fees of driving and motor-vehicles licenses;
- (f) The officers in the rank of lieutenant general and above is entitled to a diplomatic passport ;
- (g) The officers in the ranks of colonel and brigadiers shall be entitled to a special passport.

Chapter X

The Legal Affairs

- ٤٤.(١) The General Administration for Legal Affairs is responsible for the legal work of the National Police Force, Officers serving in this Department shall have a certificate in law from a recognized university in addition to the legal profession (regulation) certificate.
- (٢) Regulations shall specify the powers and duties of the General administration for legal affairs.
- (٣) The legal opinions made by the Legal Affairs in the professional issues, shall be binding for work in the context of the National Police Force; and shall not be reviewed save by the General Director.
- (٤) The officers serving in the general administration for Legal Affairs are entitled to appear before all courts in cases where Police Forces, or any member thereof is party therein, by virtue of his work or in consequence thereto .
- (٥) The officers who worked in the general administration for legal affair, shall have the right, after the end of their service, to obtain a lawyers'

license. The period they serve, shall be an experience in the field of law work, in accordance with the regulating law thereto.

Permission to Institute a Criminal Procedures

Against a Policeman

- 40.(1) No, any criminal procedures shall be taken against any Policeman, who committed an act which is deemed to be an offence, during or because of executing his official duties and he may not be tried except by a permission issued by the Minister of Interior or whoever authorizes.
- (2) The state shall bear the payment of the compensation or the blood Money (Diyya) for any policeman in case he committed an act which is considered a crime during or because of his official work.
- (3) Any Policeman who faces any legal procedures, which require placing his under legal custody, shall be confined to the police barracks, pending the decision on procedures; and the regulations. shall specify the placing his to confinement .

Chapter XI

Police Courts. Their Powers and Functions and the

Execution of Verdicts

Jurisdictions of Police Courts

- 41.(1) The Police Courts shall be competent to decide over acts or abstentions occurring by any policeman who is subject to the provisions of this act which constitutes a crime or an offence under this Act or any other law, if it is committed during the performance of his official work, or in consequence thereof.
- (2) Without prejudice to the provisions of sub-section (1), the Director General or whoever he authorizes, may refer any criminal case to an ordinary competent court, if justice so requires .

Kinds of Police Courts

42. The Police Courts shall be as follows :-

1. Summary Police Court.
2. Non-summary Police Court.
3. Police Court of appeal.
4. High police Court.

Convention of Police Courts

- 1A.(1) The summary Police Courts shall be convened by virtue of an order issued by the Director General or the director of the Police, of one officer higher in rank than the accused.
- (2) The non-Summary Police Court shall be convened by virtue of an order issued by the Director General or the director of the Police; of one officer not lower than a Major rank; and shall be senior to the accused Policeman and the investigator.
- (3) The Police Court of Appeal shall be convened by virtue of an order issued by the Director General or whoever he authorize, of three legal officers and the order shall specified it chairmanship and provided that the rank and seniority of each officer of the members shall not be below the rank and seniority of the head of the non-summary police court .
- (4) The High Police Court shall be convened by an order issued by the Director General or whoever he may authorize, of three Legal Officers and the order shall specify it chairmanship, provided that the a rank and seniority of any of the members shall not be lower than the rank and seniority of the chairman of the Police appellative Court .
- (5) The regulations and instructions shall specify the procedures to be followed before the Police Courts and the appeal, confirmation and review procedures.

Administrative and Judicial Supervision

Over Police Courts

11. The Director of the general administration for Legal Affairs shall assume the administrative and judicial supervision of the police courts.

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Powers and Competencies of Summary and

Non-Summary Police Courts

- (1) the Summary Police court has jurisdiction to decide on the contraventions specified by the regulations, and to award the prescribed penalties for these contraventions.
- (2) The Non-Summary Police Court has jurisdiction to decide in the crimes and contraventions provided for in this Act or any other law; and may award any of the penalties or punishments prescribed for those contraventions or crimes .

**Powers and Jurisdiction of the
Police Appeal Court**

٥١. (1) The Police Court of Appeal shall be competent to hear any Appeal submitted by any person, against any decisions of the Police Courts.
- (2) When trying any case, the Police Court of Appeal may order the following :-
- (a) confirm the finding and sentence,
 - (b) annul the finding and sentence,
 - (c) confirm the finding and alter the sentence by remitting or commuting substituting it by any other sentence authorized by the Act,
 - (d) order to send back the case to the court of first instance for revision and review in accordance with its directives,
 - (e) order the trial of the case before any other competent court,
 - (f) set a side the judgment and annulment the proceeding in consequence thereof related to it, and this shall be deemed as a quashing of a case, unless the court orders a retrial.
- (3) Decisions of the Police Appeal Courts are final, in relation to the appeals made against Summary trials findings.

Jurisdiction of the Supreme Police Court

٥٢. (1) The Supreme Police Court has jurisdiction over the reversal of the provisions issued by the Appeal Courts. On the national level; the Government of Southern Sudan and state levels, if the judicial provision which were reversed were based on offending the law due to a mistake in its application or interpretation.
- (2) The judgments of competent courts on the national level, the Government of the Southern Sudan and the states, shall be submitted to the Supreme Court, for confirmation, in the following :-
- (a) a sentence of imprisonment exceeding five years,
 - (b) dismissal from service for the officers.
- (3) the Supreme Police Court may, when trying a contested appeal or cassation, exercise the same powers of the appeal court, as mentioned in section ٥١(2).

Joint Trial

٥٣. Persons accused of committing any crime or contravention may be tried before a summary or non-summary trial, unless it appears that the defense of any of the accused may be prejudiced in case of joint trial.

Non-Competency for Membership of Police Court

04. The convening order of any police court shall exclude the following :-
- (a) the officer investigating in the charge,
 - (b) the complainant or any of the witnesses,
 - (c) whoever have an interest.

Stay of Proceeding Power

00. The General Director may, out of his own motion, or in accordance with a request of any party to the case, ask for the papers of any case before the issuance of the verdict on same; and to take a grounded decision for the staying of procedures; and his decision shall be final and cannot be contested.

Remission of Conviction or Punishment

06. The President of the Republic, on the recommendation of the Minister, may totally or partially order the remission of any conviction or sentence issued by any of the Police Courts.

Policeman's Summary Disciplinary Measures

05. Any Policeman may be summarily disciplined before any officer higher in rank than him and his authorities, powers and the manner of the disciplinary trial shall be specified by the regulations.

Suspension

08. (1) The Director General or director of the police or the officer in charge may order the suspension on any policemen below his rank where he is accused of contravening the provisions of this Act or any other law, or have been subjected to criminal proceedings which require his suspension from performing his job, and in this case a written order shall be issued thereof.
- (2) The regulations and circulars shall specify the procedures of suspension from work, suspension of all or part of the salary and the period and manner of implementation.

Part XII

Crimes and Offenses

The Use of Criminal Force

- 09. (1) Any Policeman, who in bad faith uses the criminal force against any policeman or assault him or attempt such Act, shall be punished with imprisonment for a term not exceeding three years or with fine or with both and he shall be punished with dismissal from service.
- (2) If that Policeman was his superior officer, or one of his subordinates, the punishment may extend for a term not exceeding five years, or fine or with both and shall be punished by dismissal from service.

Crimes Involving Custody Violation and Protection of Public Funds

- 11. (1) Any Policeman willfully violating his duties in guarding the accused and arrested persons, or the convicts, the protection, or the preservation of any property in his custody, shall be punished imprisonment not exceeding seven years, or fine or with both and he shall be dismissal from service.
- (2) Any policeman who screens or conspiring or causes or attempts any disturbance or disobedience inside the custodies or prison or he does not exert effort to disperse such riot or disobedience or to participate in the same, he shall be punishment for imprisonment for a term not exceeding five years or with fine or with both and he may be punished with dismissal form service.
- (3) Any Policeman who neglect his duties in guarding accused and arrested persons or the convicts; or in the protection and the preservation of any property or any property in his custody he shall be punished with imprisonment for a term not exceeding three years, or with a fine , or with both and he may be dismissed from service.

Disobeying Orders

- 11. Any Policeman who refuse or disobeys any order; issued to him by his superior officer, during the performance of his duties, without an acceptable excuse, whether this order issued in writing or verbally, he shall be punished with imprisonment for a term not exceeding one year, or with fine, or with both, and he may be punished with dismissal form service.

**Disposing of Arms, Ammunition
and Accoutrements**

٦٢. (١) Any Policeman disposing of any arms ammunition, or tools, or accoutrements, or equipments which may be issued for his personal use or the use of the force , or he has a relation with such disposal, he shall be punished with imprisonment for a term not exceeding five year or with fine or with both and he may be punished with dismissal from service.
- (٢) Any policeman who neglect to preserve any arms or ammunition or tools or accoutrement or equipments issued for him, for personal use or for the use of the force, shall be punishment with imprisonment for a term not exceeding one year or with fine and he may be punished with dismissal from service.

Desertion

٦٣. Any policeman who absents himself from the place of his work or who does not report to work following the end of his leave, without an acceptable excuse and if the period of his absence exceeding thirty days, he shall be considered deserting the service, and he shall be punished with imprisonment for a term not exceeding one year, or with fine or with both and he may be punished with dismissal from service.

Contraventions

٦٤. The regulations shall specify the contraventions and the prescribed penalties thereof.

**Determination of Crimes and their
Impact on the Punishment**

٦٥. Any policeman who commits any act or abstention shall constitute a crime under the criminal Act or any other law constitute in same time, a breach of his job duties or constitute a crime or contravention under this Act, he shall be awarded the severer punishment.

Part XIII

Miscellaneous Provisions

The Social Insurance Funds of the Police Forces

٦٦. (١) There shall be established, in accordance with the provisions of this Act, the following funds :-
- (a) the Social Insurance Fund of Police Forces,
 - (b) the support for the families of the Martyrs of the Police Forces Fund,

- (c) the Social " Takaful " (Solidarity) Fund of the Police Forces,
- (d) Any other Fund to be established in future, for serving the Police Forces.
- (1) Any fund which is established in accordance with the provisions of this Act, shall be a body corporate, having, a common seal and has the right to develop and invest its funds in any projects, for the achievement of its objectives, and may sue or be sued in its own name.
- (2) The established funds, aim to achieve the support of social insurance means and the welfare of the police members, those who are employees in the Police Forces and pensioners and the support and care of the families of the martyrs, the injured and the lost persons.
- (3) The director general shall issue the instructions orders, and controls which are necessary to regulate the work of the funds.

The Flag of the National Police Forces

- 17. (1) The National Police Forces, shall have Flag bearing the emblem of the Police Forces on the National level.
- (2) The regulations shall organize the specifications and use of the Flag.

The Prohibition of Litigation Against Superiors.
For Acts Resulting from the
Execution of Legal Order

- 18. Any Policeman shall have no right to sue his superiors in account of law, during or after their leaving service, about any effects he suffered, in his execution of any legal orders issued to him during service.

Regulations

- 19. (1) The minister may, issue the necessary regulations, for the implementation of the provisions of the Act.
- (2) Without prejudice to the generality of this provision, the regulation may provided the following :-
 - (a) lay down the terms of service of Police Forces,
 - (b) the determination of the types of arms, ammunitions, and uniform, which are used by the Police Forces,
 - (c) training of police forces and developing the training,
 - (d) the Police Courts procedures,
 - (e) increasing or lessening the police forces.
- (3) The minister in consultation with minister of Finance and National Economy may issue regulations containing increments, allowances and employment of police forces.

Instructions and Orders

- V. The General Director may issue the instructions and orders related to the organization, control and development of the performance of police forces.

The Standing Orders

- VI. With regard to the regulations, instruction and orders issued in accordance with the provision of this Act, the director of the police may issue the standing order for the regulation and control of the performance in his administration.

Police Card

- VII. (1) A police card must be issued to each policeman at his appointment and he must carry it at all times.
 (2) The police card is considered an official documents for the purpose of identification and showing the powers vested on its bearer and all the governmental and private units and the units are bound to accept it.

Taking the Oath

- VIII. Each policeman, at the time of appointment, shall take the oath of allegiance stated hereunder, as follows:-
 " I swear by Almighty God, to give my life to Allah, for the supremacy of this doctrine for the service of my home-land and the people and to protect the Constitution truthfully and honestly; and dedicate all my time and power throughout service for the execution of the duties imposed on me under the Police Act, or any other law in force or any regulations and execute any legal order made to me, by my superiors, and to exert the at most my efforts to implement it, even if the same leads to life".

In the Name of Allah, the Gracious, the Merciful

The Tables Indicated in Section No. (۴) of the Act
The National Standards and Systems Tables

Tables (a) : The Criminal Sphere :

۱. **Criminal work and consist of :-**
 - (a) regulation of possession of firearms and explosives, and trafficking in same,
 - (b) planning for the technical criminal work,
 - (c) models and systems of criminal records and forms,
 - (d) international cooperation in the field of the crime prevention and criminal justice,
 - (e) setting the necessary plans for the protection against crime, prevention and detect in, on the level or the country,
 - (f) supervisions over the criminal work in the country, its promotion and development, by the use of the modern technological techniques,
 - (g) conducting investigation in the following crimes :-
 - (i) organized crime,
 - (ii) the regional and international types of crimes,
 - (iii) the type of national crimes which affect the criminal and political security, or the economic security or social security.
 - (iv) the crimes, that take place or committed in more than one state.
 - (h) combating the illicit dealings in arms and weapons, setting and regulating the traffic in firearms and laying down directives and for their licenses, control of their possession directive and keeping a central record for the same.
۲. **Combating of drugs and consist of :-**
 - (a) the international police relations,
 - (b) the surveillance of delivery operations,
 - (c) management of the national campaigns for the annihilation of drug farms,
 - (d) combating operations across the state,
 - (e) investigation into the dangerous drugs cases and the work of the drug networks,
 - (f) statistic, criminal recording and prohibition works,
 - (g) the joint operations across the borders,
 - (h) the exchange of technical assistance amongst the states of the region,
 - (i) the bi-lateral and regional agreements in the field of drugs combating.

4. **The International and Regional Criminal Police Organizations :**
- (a) the procedures for the re-patriation of the accused and the convicted persons, in accordance with the Criminals Extradition Act,
 - (b) International Corporation in the field of Crime Combat and extradition of criminals.

Table (b) : The Professional and Administrative Fields :

1. **The General Affairs, which includes the following :-**
- (a) the standards of controls of professional and administrative performance,
 - (b) setting the plans and programmers of the police policy,
 - (c) the preparation and approval of the organizational structure,
 - (d) the business of the moral orientation, medical services and social services.
2. **Training : which includes :**
- (a) the determination of training needs for the Police Forces and training plans,
 - (b) the preparation and development of the syllabuses and training programmers,
 - (c) the preparation of trainers,
 - (d) the development of the training techniques and methods,
 - (e) the training evaluation,
 - (f) the examinations qualifying for promotions of officers and the efficiency bar examinations with both their grades,
 - (g) the training relations on the bi-lateral, regional and international levels,
 - (h) the coordination of technical assistance and training financing.
3. **The supply : which includes the following :**
- (a) planning for the supply of the Police Forces with their needs,
 - (b) the determination of the specification of the uniform, machineries and apparatuses,
 - (c) the determination of the types of arms, ammunitions explosive and not dispersing tools, which are used by the police forces.
4. **The Financial Affairs : which includes the following :**
- (a) the wages and salaries structure,
 - (b) Post-service benefits :-
 - (i) the legislation unit,
 - (ii) the entitlements unit,
 - (iii) technical supervision.
 - (c) the Internal Audit.

- A. **The legal Affairs : which includes :**
 - (a) **litigation and disciplinary systems,**
 - (b) **the police courts procedures.**
- 9. **The Security Police : which includes the following :**
 - (a) **collection, monitoring and follow-up of information and field reports, which are related to the good police performance and securing their operations,**
 - (b) **setting the security plans and policies, in accordance with the national standard,**
 - (c) **supervision and achievement of discipline amidst the police forces.**

Table (c) : The Technical Field :

- 10. **The Traffic Police which includes :**
 - (a) **issue of the laws and regulations which organize traffic,**
 - (b) **the unification of the system of information and records,**
 - (c) **the unified traffic system,**
 - (d) **inter-state traffic and highway traffic system.**
- 11. **The Civil Defense work : which includes :**
 - (a) **the technical specifications and systems of the Civil Defense apparatuses, equipment and fire-extinguishing materials,**
 - (b) **control of the securing services in relation to the Civil Defense operations,**
 - (c) **the bi-lateral, regional and international relations in regard to civil defense operations,**
 - (d) **the determination of the degrees of the level of operation, for forces and aids of Civil Defense, for the projects and the establishment of the utilities, the special establishment, and the public utilities, institutions and corporations,**
 - (e) **projects prevention of national disasters,**
 - (f) **the legislations of the systems of protection, safety, early warning and direct warning,**
 - (g) **training.**
- 12. **The Works of National Prisons : which includes the following :-**
 - (a) **the establishment and maintenance of national prisons,**
 - (b) **the administration of national prisons in the states,**
 - (c) **the standards of the minimum level of in-mates treatment,**
 - (d) **the punishment policy in accordance with the international standards,**
 - (e) **the necessary legislations for the implementation of the punishment policy,**
 - (f) **the technical supervision on the implementation of the punishment policy in the states prisons :-**
 - (i) **Education,**
 - (ii) **Qualification,**
 - (iii) **Training,**
 - (iv) **Subsequent care.**

(g) the determination of the basis of treatment of the prisoners :-

- (i) Transfers,
- (ii) Food supplies,
- (iii) Penalties,
- (iv) Special release from prisons during religious and national festivals.
- (v) Public health,
- (vi) The Classification of prisoners,
- (vii) Bases of work prisoner with the outside community (guarantees, leaves, communications).

(h) Inspection of national prisons,

(i) the methods of treatment of female prisoners and their children,

(j) the bases of dealing with juveniles,

(k) the bases of social control of juveniles.

13. The wild life works , which includes the following :

- (a) first chapter Budget,
- (b) selection of officers, non-commission officers and soldiers (non-technical),
- (c) forces discipline and trails,
- (d) legal affairs in relation of the rights and duties of the force,
- (e) after - service benefits,
- (f) supply works (military),
- (g) training (military),
- (h) social and medical services and moral guidance.

14. The establishments works include the :

- (a) the determination, implementation and laying down the general specifications for the procedures for security and safety,
- (b) supervision over the securing of the national utilities and institutions in all the states of the country,
- (c) any fields or activities or work which their nature requires subjecting them to the national systems and standards.

15. The Borders Affairs : which includes :

- (a) Surveillance of the borders,
- (b) Securing the borders,
- (c) the follow-up of the implementation of the international agreements, which are related to borders.