

# **LAWS OF THE NEW SUDAN**

## **THE SPLA ACT, 2003**

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**(PROVISIONAL ORDER)**  
**Laws of the New Sudan**  
**The SPLA Act, 2003**

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**(PROVISIONAL ORDER)**  
**Sudan People’s Liberation Army (SPLA) Act, 2003**  
*An Act to provide for the establishment, governance and discipline of SPLA and  
for purposes connected therewith and incidental thereto.*

**Chapter I**  
**Preliminary**

1. **Title and Commencement:-** This Act may be cited as the Sudan People’s Liberation Army (SPLA) Act, 2003 and shall come into force on the date of signature.
  
2. **1) Repeal and Saving:-** The SPLA Act, 1994 and SPLM Penal and Disciplinary Laws 1984 are hereby repealed but all the orders, rules and regulations issued or made under them, save in as far as the same are cancelled by or are inconsistent with the provisions of this Act, shall remain in force and shall be deemed to have been issued or made under this Act.  
  
2) Nothing in this Act or in any rule or regulation made thereunder shall operate to affect the validity of any court-martial or other proceedings held by virtue of the military Laws hereby repealed.
  
3. **Definitions:-**  
In this Act, unless the context otherwise requires, the following words and expressions shall carry the meanings attached to them:-  
“**This Act**” includes all rules and regulations made or deemed to have been made thereunder.  
“**Acting Rank**” includes local and temporary rank.  
“**Active service**” as applied to a person subject to this Act means, the period during which such person is attached to, or forms part of a force which is engaged in operations against an enemy, or is engaged in military operations in, or is on the line marching to a country or place wholly or partly occupied by an enemy, or is in military occupation of any foreign country or which is declared by the Chairman to be on active service by a notification published in the Gazette.  
“**Commanding Officer**” means an officer in charge of an SPLA administrative unit, department or branch.  
“**Command**” means a separate administrative unit in the SPLA.  
“**Commissioned Service**” means service as an officer, and for the purpose of qualification as a member of any court-martial, includes any service with the CANS as a Magistrate of the first or second class under the Code of Criminal Procedure, 2003.  
“**Commissioner**” means the Commissioner for Defence.

**“Corps or Unit”** means any separate body of persons subject to this Act which is prescribed as a corps or unit for the purposes of all or any of the provisions of this Act.

**“Court-Martial”** means a court-martial held under this Act.

**“Criminal Court”** means a court of criminal jurisdiction exercising powers within the New Sudan under the provisions of the Code of Criminal Procedure Act, 2003.

**“Department”** includes any division or branch of a department.

**“Enemy”** includes all armed mutineers, armed rebels, armed rioters, pirates and any person in arms against whom it is the duty of a person subject to this Act to resist.

**“SPLA”** means the Sudan People’s Liberation Army.

**“SPLM”** means the Sudan People’s Liberation Movement.

**“LC”** means the Leadership Council of the SPLM and CANS.

**“CANS”** means the Civil Authority of the New Sudan.

**“The Force”** means the SPLA of the New Sudan established before the commencement of this Act and includes any other formation raised under the orders of the Chairman to the extent to which the same may from time to time be embodied.

**“Government”** means the Civil Authority of the New Sudan here abbreviated as (CANS).

**“Judge-Advocate-General”** means the SPLA Director of Military Justice.

**“Judge-Advocate”** means a Legal Officer in the Directorate of Military Justice.

**“C-in-C”** means the Commander-in-Chief of the SPLA.

**“Less punishment”** means any one punishment lower in the scale of punishments set out in section 46 or 47, of this Act.

**“Military reward”** includes any gratuity or annuity for long service or good conduct, any good conduct pay, length of service pay or pension, and any other military pecuniary reward.

**“Non-Commissioned officer”** includes a non-commissioned officer and an acting non-commissioned officer.

**“Offence”** means any act or omission punishable under this Act and includes any offence punishable under the Penal Code, 2003 or any other Law in force.

**“Pay”** includes extra pay and allowances.

**“Prescribe”** means to authorize or appoint by order, rule or regulation made under this Act.

**“The Reserve”** means the formation composed of officers and soldiers serving on the reserve list who have in the prescribed manner, been appointed, enrolled or enlisted.

**“Soldier”** includes any person subject to this Act other than an officer.

**“Summary Court-Martial”** includes a field court-martial.

**“Superior Officer”** when used in relation to a person subject to this Act, includes a non-commissioned officer or any enrolled person as regards to persons placed under his charge or orders.

**“Time of Emergency”** means the period, in respect of which an emergency has been proclaimed by the Chairman or other duly authorized person, with reference to the place covered by the said emergency.

- 2) Save as aforesaid, all words and expressions used herein and defined in the Penal Code, 2003 shall have the meanings respectively attributed to them by that Coded.

**4. Constitution of the SPLA Forces.**

- 1) The SPLA shall comprise of:-
  - a) The Forces known as the SPLA immediately before the commencement of this Act;
  - b) Any person enrolled or enlisted under this Act;
  - c) Reserves.
- 2) The SPLA shall be divided into:-
  - a) An Active List;
  - b) A Reserve List.
- 3) The normal active and reserve establishment of the Force shall be such as may from time to time be determined by the Chairman on the recommendation of the National Defence Council.

**5. Application.**

- 1) Save as otherwise expressly provided under this Act, the following persons shall be subject to this Act, namely:-
  - a) Officers;
  - b) Persons enrolled or enlisted under this Act, and persons enrolled or enlisted in the SPLA prior to the coming into force of this Act: Provided that persons enrolled or enlisted in the Reserve shall be subject to this Act only:-
    - i. During the period prescribed for training; and
    - ii. When embodied for actual military service; starting, from the day immediately preceding that on which the order or other notification for such training or embodiment was issued;
  - c) Non-commissioned officers serving with and on the rank and file of the Force;
  - d) Persons not otherwise subject to military law, who, are on active service, in camp on the march, or at any post specified by the C-in-C on his behalf are employed by, or are in the service of, or are batmen of or accompanying any portion of the Force.



- 2) Every person subject to this Act under paragraphs (a), (b) and (c ) of subsection (1) shall remain so subject until his service with the Force is terminated in accordance with the provisions of this Act.
- 3) The C-in-C may direct that any person or class of persons subject to this Act under paragraph (d) of subsection (1) shall be so subject as officers or non-commissioned officers and may authorize any officer to give a like direction in respect of any such person and to cancel such direction. In default of any such direction all such persons shall be deemed to be so subject in a rank inferior to the rank of non-commissioned officer.
- 4) Every person subject to this Act under paragraph (d) of subsection (1) shall for the purpose of this Act, be deemed to be under the commanding officer of the unit, department or detachment to which he is attached, and if he is not attached to any unit, department, or detachment, under the command of any officer who may for the time being be named as his commanding officer by the officer commanding the unit in which such person may for the time being be serving, or of any other prescribed officer.
- 5) Whenever justice or the supreme interest of the New Sudan requires that any person not subject to the provisions of this Act, shall be jointly tried with any person or persons subject thereto, before the same court-martial, the C-in-C may with the consent of the President of the Court of Appeal warrant the trial of such person before any such court-martial, of any offence under the provisions of the Penal Code, 2003.

**6. Exercise of Powers, Command and Relative Rank.**

- 1) Whenever any person or class of persons subject to this Act is serving in circumstances which make it impossible or difficult for the C-in-C to exercise any power or powers, as regards such person or class of persons, conferred upon him by or under this Act, the C-in-C may prescribe the officer by whom such powers shall, as regards such person or class of persons, be exercised.
- 2) Whenever the Force or any part thereof in the New Sudan is serving together or acting in combination with any other force or forces or whenever outside the New Sudan the Force or any part thereof is so serving or acting with any other force or forces placed at the disposal of the Chairman for the defence of the New Sudan, the C-in-C by order under his hand may make such disposition as to the exercise of command thereover and as to mutual powers of command and relative rank as he may think fit; and may by such order delegate to any person under whose command the Force or any part thereof is thereby placed, the power to make such disposition as aforesaid.
- 3) The C-in-C may confer such powers and make such disposition or delegation either absolutely, or subject to such restrictions, reservations, exceptions and conditions as he may think fit.

## Chapter II

### Commissioning, Enrolment, Enlistment, Appointments and Transfers

**7. In eligibility of Aliens.**

No person who is not a New Sudan national shall, except with the written consent of the Chairman be commissioned, appointed, enrolled, or enlisted in the SPLA Forces.

**8. Commissioning.**

- 1) The Chairman may grant to such person as he thinks fit, a commission as an officer in the SPLA Forces.
- 2) An officer in the SPLA Forces shall take oath of allegiance in the form set out in subsection (3) of section 10, before the C-in-C or an officer duly authorized by him in this behalf.

**9. Enrolment for General or Particular Service, and Appointments to Commands and Corps and Transfers.**

Recruits shall either be enrolled as non-combatants for general service or as combatants for general service or for service in a particular command, corps, unit, or department and may from time to time be transferred to other command, corps, unit or department in accordance with the regulations made under this Act in that behalf.

**10. Enrolment, Enlistment and Attestation.**

- 1) The following persons shall be attested, namely:-
  - a) all enlisted persons, and
  - b) all temporally enrolled persons as may be prescribed.
- 2) Upon the appearance, before an officer authorized by the C-in-C or by the officer commanding the unit to enroll or to enlist recruits, of any person desirous of being enrolled or enlisted, such officer shall read and explain to him, or cause to be read and explained to him in his presence, the conditions of the service for which he is to be enrolled or enlisted and shall put to him in a simple manner the question set forth in the prescribed form of enrolment or enlistment and shall, after having cautioned him that if he makes a false answer to any such question he will be liable to punishment under this Act, record or cause to be recorded his answer to each question.
- 3) If, after complying with the provisions of subsection (2), the enrolling or enlisting officer is satisfied that the person desirous of being enrolled or enlisted fully understands the questions put to him and consents to the conditions of service, and if he perceives no impediment, he shall:-

- a) Where under the provisions of subsection (1) such person is required to be attested, administer an oath in his presence in the prescribed form, to the said person and the said oath shall contain a promise that the person to be attested will bear true allegiance to the Constitution of the New Sudan as by law established, and that he will serve in the Force and to go wherever he is ordered by land, sea or air, and that he will obey all commands of any officer superior to him, even to the peril of his life;
  - b) Cause such person to sign or make his mark upon the enrolment or enlistment paper, and shall thereafter himself sign and authenticate the enrolment or enlistment paper; and the said person shall thereupon be deemed to be duly enrolled or enlisted and, if the case so requires as aforesaid, attested.
- 4) Every person who has for six months been in receipt of military pay as an enrolled or enlisted person and been borne on the rolls of any command, corps, unit or department, shall be deemed to have been duly enrolled or enlisted, and shall not be entitled to claim his discharge on the ground of any illegality or irregularity in his enrolment or enlistment.

**11. Period of Enrolment or Enlistment, Extensions, Re-enlistment and Prolongation of Service.**

- 1) The period of initial enrolment or enlistment and of any extension thereof and of any re-enlistment shall be as laid down in the regulations made under this Act.
- 2) Where the time at which a soldier of the Force would otherwise be entitled to be discharged occurs during any period of emergency, the soldier may be retained, and his service may be prolonged for such further period not exceeding twelve months, as the C-in-C or any prescribed officer considers his service can be dispensed with, and subject to the provisions of subsection (3), the soldier shall be discharged with all convenient speed.
- 3) During any such period of emergency as aforesaid the C-in-C may order that all soldiers who would otherwise be entitled in pursuance of the terms of their enlistment to be discharged shall continue in the service for such period, not exceeding such period of the emergency as may be specified in the order.

## **Chapter III**

### **Dismissal and Discharge.**

- 12. Removal and Dismissal by the Chairman and C-in-C.**  
1) The Chairman, on the recommendations of the Chief-of-General Staff, may at any time remove or dismiss any person to whom this Act applies, from the Force, and in the case of the Chief-of-General Staff, on the recommendation of the National Defence Council.  
2) The Chief-of-General Staff may at any time dismiss or remove any soldier from the Force.
- 13. Dismissal by Prescribed Officer.**  
Subject to such conditions and limitations as may be prescribed, any prescribed officer may dismiss or remove from the Force any person other than an officer serving under his command.
- 14. Discharge**  
The prescribed authority may in conformity with any regulations prescribed in this behalf, discharge any person from the Force.
- 15. Discharge, etc., out of the New Sudan**  
1) Any person enrolled or enlisted under this Act who is entitled under the conditions of his enrollment or enlistment to be discharged or whose discharge is ordered by competent authority, and who when he is so entitled or ordered to be discharged, is serving out of the New Sudan, and requests to be sent back to the New Sudan, shall before being discharged, be sent to the New Sudan with all convenient speed.  
  
2) Any person enrolled or enlisted under this Act who is dismissed from the Force and who, when he is so dismissed is serving out of the New Sudan shall be sent to the New Sudan with all convenient speed:

Provided that where any such person is sentenced to dismissal combined with any other punishment, or in the case of a sentence of imprisonment, such other punishment or a portion of such term of imprisonment may be extended before he is sent back to the New Sudan.

## Chapter IV

### Summary Demotion and Punishment of Soldiers Other Than By Order Of Court-Martial

#### 16. Demotion of Non-Commissioned Officers

1) The C-in-C or in the case of persons under their command and subject to such conditions and limitations as may be prescribed, the officer commanding the unit or any prescribed officer may demote to a lower rank or to the ranks any non-commissioned officer under his command.

2) The Commanding Officer of an acting non-commissioned officer may order him to revert to his permanent rank as a non-commissioned officer or if he has no any permanent rank above the private, to the private.

#### 17. Minor Punishments.

1) The minor punishments to which a soldier or a non-commissioned officer shall be liable without the intervention of a court-martial, and the officer and officers by whom and the extent to which such minor punishments may be imposed shall be such as may be prescribed.

2) Imprisonment in military custody, and in the case of persons subject to this Act on active service, any prescribed field punishments, may be prescribed as minor punishments, provided that the term of such imprisonment or field punishment shall not exceed twenty eight days.

3) Deprivation of pay up to seven days may be prescribed as a minor punishment and may be imposed in addition to any other minor punishment.

#### 18. Punishment of Batman etc.

For any offence, in breach of good order, the commanding officer of any command, corps, unit or detachment on active service, or not being on active service, in camp or on the march, or at any post specified by the C-in-C at which troops are stationed, may subject to any rule, in that behalf made under this Act, punish any batman of such corps, unit or detachment who is subject to this Act with imprisonment for a term not exceeding 21 days or, with a cut of pay not exceeding 7 days pay or with both.

#### 19. Imprisonment of Batman.

Imprisonment imposed upon a batman under section 18 may be carried out in a military custody, or in a prison as ordered by the said commanding officer and the officer in charge of any prison shall, on the handing over to him of the offender with a warrant, under the hand of the said commanding officer, detain the offender according to the exigency of the warrant or until he is discharged by due process of law.

## Chapter V

### 20. Offences

1) Any person subject to this Act who commits any of the following offences:-

- a) cowardly abandons or delivers up any post, position, vehicle, or custody which it is his duty to defend; or
- b) cowardly casts away his arms, ammunition, or tools before the enemy; or
- c) directly or indirectly holds reports, corresponds with, or communicates intelligence to, the enemy, or any person in arms against the SPLM/SPLA or New Sudan Authority;
- d) directly or indirectly assists or relieves money, supplies or ammunition, or knowingly harbours or protects, any enemy or person in arms against the SPLM/SPLA; or
- e) when in action, or previously to into action intentionally uses words or any other means to induce any person subject to military laws to abstain from acting against the enemy, or
- f) in time of war intentionally occasions a false alarm or spreads reports calculated to create alarm or despondency; or
- g) when on active service intentionally does any act or makes any omission calculated to impair the success of the Force, or any forces co-operating therewith, or any part thereof; or
- h) in time of action, leaves his commanding officer or his post or party to go in search of plunder;

Commits an offence and shall, on conviction by court-martial, be punished with death or less punishment.

2) Any person subject to this Act who commits any of the following offences:-

- a) misbehaves or induces others to misbehave before the enemy in such manner as to show cowardice; or

- b) omits immediately to disclose to his commanding or other superior officer any direct or indirect correspondence or any direct or indirect communication with the enemy or any person in arms against the SPLM/SPLA or New Sudan Authority which comes to his knowledge; or
- c) being a sentry in time of war sleeps, or while on duty quits his post without being regularly relieved or without leave; or
- d) in time of war, quits his guard, piquet, party or patrol without being regularly relieved or without leave; or
- e) in time of war or during any military operation, uses criminal force, to, or commits an assault on, any person bringing provisions or other necessities to the camp or quarters of any part of the Force or of any forces with which any part of the Force is cooperating, or forces a safeguard, or breaks into any house or any other place for plunder, or plunders, injures or destroys any field, garden or other property of this kind; or
- f) on active service commits any offence against the property or person of any inhabitant of, or resident in the country in which he is serving;

Commits an offence and shall on conviction by court-martial, be punished with imprisonment or less punishment.

## **21. Mutiny.**

Any person subject to this Act who commits any of the following offences:-

- a) begins, excites, causes or conspires with any other person to cause or joins in any mutiny; or
- b) being present at any mutiny and does not use his utmost endeavours to suppress the same; or
- c) knowing or having reason to believe in the existence of any mutiny, or of any intentions to mutiny, or of any conspiracy against the SPLM/SPLA or New Sudan Authority and does not without delay give information thereof to his commanding or other superior officers;

Commits an offence and shall, on conviction by court-martial, be punished with death or less punishment.

**22. Desertion.**

Any person subject to this Act who deserts or attempts to desert the Force, or who persuades or endeavours to persuade or procures or attempts to procure any person subject to military law to desert from the Force, shall on conviction by court-martial, if he committed such offence when on active service or under orders for active service, be punished with death or less punishment; and if he committed such offence under any other circumstances, be punished with imprisonment or less punishment.

**23. Harboursing Deserters.**

Any person subject to this Act who intentionally harbours any deserter, or who knowingly or having reason to believe, that any other person has deserted, or that any deserter has been harboured by any other person, does not without delay give information thereof to his own or some other superior officer or use his utmost endeavours to cause such deserters to be apprehended, commits an offence and shall, on conviction by court-martial, be punished with imprisonment or less punishment.

**24. Absence Without Leave.**

Any person subject to this Act who commits any of the following offences:-

a) absents himself without leave, or without sufficient cause overstays beyond the leave granted to him; or

b) being on leave and having received information from proper authority that any corps or unit or portion of a corps or unit or any department to which he belongs has been ordered on active service, fails to rejoin without delay; or

c) without sufficient cause fails to appear at the time fixed at the parade or place appointed for exercise or duty; or

d) when on parade or on the line of march without sufficient cause or without leave from his superior officer quits the parade or leaves the line of march; or

e) in time of peace quits his guard, piquet or patrol without being regularly relieved or without leave;

shall, on conviction by court-martial, be punished with imprisonment or less punishment.



**25. Criminal Force to Superior.**

Any person subject to this Act who uses or attempts to use criminal force to, or commits a assault on his superior officer whether on or off duty, knowingly or having reason to believe him to be such commits an offence and shall, on conviction by court-martial, be punished with imprisonment or less punishment.

**26. Ill-Treating Subordinates.**

Any person subject to this Act who uses or attempts to use criminal force to, or commits an assault on or ill treats any person likewise subject to this Act, being his subordinate in rank or position, commits an offence and shall, on conviction by court- martial, be punished with imprisonment or less punishment.

**27. Disobedience to Superior Officer.**

Any person subject to this Act who commits any of the two following offences:-

- a) disobeys in such manner as to show a willful defiance of authority, any lawful command, given personally by his superior officer in the execution of his office whether the same is given orally, or in writing, or by signal, or otherwise; or
- b) disobeys any lawful command given by his superior officer;

Shall on conviction by court-martial be punished with imprisonment or less punishment.

**28. Insubordination and Insolence.**

Any person subject to this Act who commits any of the following offences:-

- a) being concerned in any quarrel, affray, or disorder, refuses to obey any officer, though of inferior rank, who orders his arrest, or uses criminal force to or offers violence to any such officer; or
- b) uses or attempts to use criminal force to, or commits an assault on any person, whether subject to this Act or not, in whose custody he is lawfully placed, and whether or not he is his superior officer; or
- c) uses insubordinate, or insolent language to his superior officer;

Shall, on conviction by court-martial, if an officer, be dismissed, or sentenced to any less punishment and if a soldier to imprisonment or less punishment.

**29. Standing Orders.**

Any person subject to this Act who neglects to obey any general or other standing orders, commits an offence and shall on conviction by court-martial, be punished with imprisonment or less punishment.

**30. Fraudulent Enrollment or Enlistment.**

Any person subject to this Act who commits any of the following offences:-

- a) without having first obtained a regular discharge from the corps, unit or department to which he belongs, enrolls or enlist himself in any other corps unit or department, or
- b) knowingly or having reason to believe that a person is a deserter, procures or attempts to procure the enrollment or enlistment of such person;

Shall, on conviction by court-martial, be punished with imprisonment or less punishment.

**31. False Answer on Enrollment or Enlistment.**

Any person having become subject to this Act who is discovered to have made a willfully false answer to any question set forth in the prescribed form of enrollment or enlistment which has been put to him by the officer before whom he appeared for the purpose of being enrolled or enlisted commits an offence and shall, on conviction by court-martial, be punished with imprisonment or less punishment.

**32. Conduct Unbecoming of an Officer.**

Any officer, being subject to this Act who behaves in a scandalous manner unbecoming of his position as such commits an offence and shall, on conviction by court-martial, be dismissed from the Force.

**33. Disgraceful Conduct.**

Any person subject to this Act who commits any of the following offences:-

- a) misappropriates or converts to his own use any public property or military stores of any kind or the property of any military formation, unit or department entrusted to him; or
- b) receives or retains any property in respect of which an offence under paragraph (a) has been committed, knowingly or having reason to believe the same to have been misappropriated or converted; or

- c) willfully destroys or injures any public property or; of any military formation, unit or department entrusted to him; or
- d) commits theft in respect of any public property, or of any military formation, unit or department, or of any person subject to military law or serving with or attached to the Force; or
- e) dishonestly receives or retains any such property as specified under paragraph (d) knowingly or having reason to believe it to be stolen; or
- f) does any other thing with intent to defraud or to cause wrongful gain to one person, or wrongful loss to another person; or
- g) commits any offence of a cruel, indecent, unnatural or attempts to commit any such offence and does any act towards its commission;

Shall, on conviction by court-martial, be punished with imprisonment or less punishment.

**34. Malingering, etc.**

Any person subject to this Act who commits any of the following offences:-

- a) malingers or feigns or produces disease or infirmity in himself, or intentionally delays his cure or aggravates his disease or infirmity; or
- b) with intent to render himself or any other person unfit for service, voluntarily causes hurt to himself or any other person;

Shall, on conviction by court-martial, be punished with imprisonment or less punishment.

**35. Intoxication.**

Any person subject to this Act who is in a state of intoxication whether on duty or not and whether the said state shall have been induced by the taking of liquor or drug commits an offence and shall, on conviction by court-martial, be punished with imprisonment.

**36. Possession or Smoking of Hashish, Bango or Drugs.**

Any person subject to this Act who is found to be in possession of or smoking hashish, bango or drugs commits an offence and shall, on conviction by court-martial, be punished with imprisonment.

**37. Offences by and in Relation to Prisoners.**

Any person subject to this Act who commits any of the following offences:-

- a) being in military custody, leaves such custody before he is set at liberty by proper authority; or
- b) being in command of a guard, piquet or patrol, refuses to receive any prisoner or person duly committed to his charge; or
- c) without proper authority releases any prisoner or person placed under his charge, or negligently allows any such prisoner or person to escape;

Shall, on conviction by court-martial, be punished with imprisonment or less punishment.

**38. Offences by and in Relation to Sentries.**

Any person subject to this Act who commits any of the following offences:-

- a) being a sentry or on guard, plunders or willfully destroys or injures any property placed under his charge or under the charge of his guard; or
- b) being a sentry in time of peace, sleeps upon his post, or quits it without being regularly relieved or without leave; or
- c) strikes, or uses force on, or attempts to use force on any sentry;

Shall, on conviction by court-martial, be punished with imprisonment or less punishment.

**39. Offences in Relation to Property.**

Any person subject to this Act who:-

- a) intentionally or through neglect injures or makes away with any property used in the Force;
- b) intentionally or through neglect, causes the death of, injures, makes away with, ill-treats or looses any animal used in the Force; or
- c) makes away with or is concerned in making away with his arms, ammunition, equipment, instruments, clothing or regimental necessaries; or

- d) loses by neglect anything mentioned in paragraph (c) above; or
- e) intentionally injures anything mentioned in paragraph (c) , or any property belonging to the Force or any part thereof or to any military mess, band or institution or to any person subject to this Act, or serving with or attached to the Force; or
- f) sells, pawns, or defaces any medal or decoration granted to him; or
- g) without proper authority extracts from any person carriage, portage or provisions;

Shall, on conviction by court-martial, be punished with imprisonment or less punishment.

**40. False Accusation or Statement or Return or Report.**

Any person subject to this Act who commits any of the following offences:-

- a) makes a false accusation against any person subject to this Act, knowing such accusation to be false; or
- b) in making any complaint, intentionally makes any false statement affecting the character of any person subject to this Act, or knowingly or intentionally suppresses any material facts; or
- c) obtains or attempts to obtain for himself or for any other person any pension, allowance or other advantage or privilege by a statement which is false and which he either knows or believes to be false, or by recording or by making any document containing a false statement, or by omitting to make a true entry or document containing a true statement; or
- d) intentionally furnishes a false return or report of the number or state of any men under his command or of any money, arms, ammunition, clothing, equipment, stores, or other property in his charge, whether belonging to such men or to the Force, or to any person in or attached to the Force, or who through design or neglect, omits or refuses to make or send a return or report of any of the matters aforesaid;

Shall, on conviction by court-martial, be punished with imprisonment or less punishment.

**41. Offences in Relation to Courts-Martial.**

Any person subject to this Act who commits any of the following offences:-

- a) when duly summoned to attend as a witness before a court-martial, intentionally omits to attend or refuses to be sworn or affirmed or to answer any question, or to produce or deliver any book, document or other thing for which he might have been duly warned and called upon to produce or deliver; or
- b) intentionally insults or causes any interruption or disturbance to, or uses any menacing or disrespectful word, sign or gesture, or is insubordinate or violent in the presence of a court-martial while sitting; or
- c) having been duly sworn or affirmed before any court-martial or other military court competent to administer oath or affirmation, makes any statement which is false and which he either knows or believes to be false;

Shall, on conviction by court-martial, be punished with imprisonment or less punishment.

**42. Gratifications and Rewards.**

Any person, subject to this Act who, directly or indirectly, accepts or obtains or agrees to accept or attempts to obtain for himself or any other person, any gratification as a motive or reward for procuring the enrollment or enlistment of any person, or leave of absence, promotion or any other advantage or indulgence for any person in the Force, or takes any fee or advantage in respect of or is in any way interested in, the sale of provisions or merchandise brought into any garrison, camp, station, barrack or place in which he has any command or authority or the sale or purchase of any provisions or stores for the use of the Force or any part thereof commits an offence and shall, on conviction by court-martial, be punished with imprisonment or less punishment.

**43. Conduct Prejudicial to Good Order and Discipline.**

Any person subject to this Act who does any act, omission or neglect which though not specified in this Act, is prejudicial to good order and military discipline commits an offence and shall, on conviction by court-martial, be punished with imprisonment or less punishment.

**44. Attempt.**

Whoever attempts to commit an offence punishable under this Act, or to cause such an offence to be committed, and in such attempt does any act towards the commission of the offence may, on conviction where no express provision is made by this Act for the punishment of such attempt, be punished with the punishment provided in this Act for such offence: Provided that that punishment is not death or life imprisonment.

**45. Abetment.**

Every person subject to this Act who abets any offence punishable under this Act commits an offence and may be punished with the punishment provided in this Act for such offence.

**46. Offences Punishable Under the Penal Code, 2003:-**

- 1) Every person subject to this Act, either within the New Sudan, or at any place beyond the New Sudan who commits an offence punishable under the Penal Code, 2003 shall be deemed to be guilty of an offence against this Act and if charged therewith under this section shall subject to the provisions of this Act, be liable to be tried for the same by court-martial and on conviction be liable to any punishment assigned to the offence by the said Penal Code or such punishment as might be imposed upon him in pursuance of this Act in respect of an act prejudicial to good order and military discipline.
- 2) The powers of a court-martial to try and to punish any person under this section shall not be affected by reason of the fact that the offence against the said Penal Code with which such person is charged is also a military offence.

## **Chapter VI**

### **Punishments**

**47. General Punishments.**

The following punishments may be imposed on the offenders by the court-martial constituted in accordance with the provision of this act:-

- a) Imprisonment (which may be in a normal prison or military camp or in a labour camp in case of productive punishment);
- b) Death which may be executed by a firing squad or by hanging the condemned person by the neck until he is dead;

Provided that the death sentence shall not be passed on persons under the age of 18 years, pregnant or sucking women or persons above the age of 70 years;

- c) Fine (which may be in the form of money, cattle or any other property current in each area);
- d) Forfeiture of property (the ownership of which passes to the Civil Authority of New Sudan (CANS));
- e) Field punishment (which may be passed in lieu of or in addition to any other lawful sentence);
- f) Whipping (which may be passed in lieu of any other sentence).

**48. Disciplinary Punishment.**

The following disciplinary punishment may be imposed alone or some of them in addition to any other punishments on officers and other ranks of the Sudan People's Liberation Army and affiliated organizations:-

- a) dismissal;
- b) severe reprimand;
- c) simple reprimand;
- d) demotion in rank;
- e) detention;
- f) deprivation from carrying fire arms for a specified period of time;
- g) forfeiture of seniority;
- h) extra work or drill;
- i) deprivation of good conduct badges.
- j) cut of pay.

**49. Field Punishment.**

Where any soldier on active service is convicted of an offence, it shall be lawful for a court-martial to impose for that offence any such punishment as may be prescribed as a field punishment. Field punishment shall be of a character of personal restraint or of hard labour but shall not be of a nature to cause injury to life or limb.

**50. Commutation of Field Punishment.**

Field punishment shall, for the purpose of commutation, be deemed to stand in the scale of punishments next below dismissal.

**51. Combination of Punishments.**

A court-martial by its sentence may impose, in addition to any other punishments, any one or more of the punishments specified in paragraphs (c ) to (f) of section 47 and paragraphs (c ) to (g) of section 48 as the case may be.

**52. Imprisonment of Officers.**

Whenever an officer is sentenced to imprisonment, the court shall by its sentence dismiss the said officer.



**53. Demotion of Non-Commissioned Officers to the Ranks.**

Any non-commissioned officer sentenced by court-martial to imprisonment, field punishment or dismissal from the force, shall be deemed to have been demoted to the ranks.

**54. Retention in Ranks of Persons Convicted on Active Service.**

When any person subject to this Act and on active service has been sentenced by court-martial to dismissal or imprisonment whether combined with dismissal or not, the C-in-C may direct that such person be retained to serve in the ranks, and where such person has been sentenced to imprisonment such service shall be reckoned as part of his term of imprisonment.

## **Chapter VII**

### **Summary Punishment Of Officers**

**55. Power to Deal Summarily with Charges Against Officers.**

1) Subject to the provisions of any rule or regulations made under this Act, the C-in-C in the case of any officer in the rank of Lt. Col., or above, the Chief of General staff in the case of any officer in the rank of Major and below shall have power to deal summarily with any charge against such officer and to impose any one or more of the following punishments:-

- a) simple reprimand;
- b) severe reprimand;
- c) deprivation of seniority of rank or of service in the case of an officer whose promotion depends upon length of service up to a maximum of twelve months: Provided that any punishment including deprivation of seniority or of service imposed by the Chief-of-General Staff shall be subject to confirmation by the C-in-C.
- d) deprivation of professional allowances or special work allowances.

2) The Chief-of-General Staff may confer:-

- a) upon any deputy Chief-of-General Staff, the power to deal summarily with charges against any officer below the rank of Captain;

- b) upon any officer, commanding a command or corps, the power to deal summarily with charges against any officer below the rank of 1<sup>st</sup> Lt.; and any deputy Chief-of-General Staff or officer upon whom such power is conferred may impose any one or both of the two following punishments, namely:-
  - a) simple reprimand
  - b) deprivation of professional allowances or special allowances.
- 3) Before any of the authorities aforesaid deals summarily with any case he shall cause a summary of evidence admissible in the case to be taken if the officer charged consents thereto in writing
- 4) The aforesaid authorities, without the consent of the officer charged, may deal with any case summarily provided that the officer charged has given his consent in writing to the case being summarily dealt with and save when the C-in-C exercises his authority under this subsection, the officer charged shall not be liable for any punishment other than simple reprimand or severe reprimand.
- 5) Whenever any charge is dealt with summarily the officer charged may demand that the evidence against him be taken on oath.
- 6) Any of the authorities aforesaid may with or without hearing the evidence dismiss any charge if he thinks that it ought not be proceeded with.
- 7) No officer against whom a charge has been made shall be tried by court-martial if such charge has been either dismissed or dealt with summarily under this section for any offence of which he has been acquitted or convicted by a competent criminal court or by a court-martial.

## **Chapter VIII:**

### **Pay And Penal Deductions**

#### **56. Pay and Authorized Deductions.**

- 1) The pay and allowances due from the governing authority to any person subject to this Act shall be paid without any deductions other than the deductions authorized by this or any other Act for the time being in force.
- 2) Subject to the provisions of subsections (3) and (4) of this section, the pay and allowances due or accruing in the future to any person subject to this Act in his capacity as a member of the Force shall not be attached or otherwise taken in execution.
- 3) The pay and allowances due as aforesaid to any person subject to this Act may be set off against any debts incurred by such person to the Governing Authority and a deduction of not more than one quarter of the total pay be made to pay such maintenance, alimony or other family allowances as may be ordered to be paid by a court of competent jurisdiction or as may be prescribed.
- 4) In the event of a person subject to this Act being adjudicated bankrupt the court or the person administering the bankrupts' estate shall receive and distribute amongst the creditors so much of the bankrupts' pay as the court with the consent of the Chief-of-General Staff may order. Before making any such order the court shall communicate with the Chief-of-General Staff through the Judge-Advocate General as to the amount, time and manner of the payment to itself or to such person as aforesaid and shall obtain the written consent of the Chief-of- General Staff to the terms of such payment.
- 5) Subject to the provisions of any Act under which any person is payable, any sum authorized by this Act to be deducted from the pay due to any person may, without prejudice to any other mode of recovering the same, be deducted from any public money due to him other than a pension.
- 6) A minimum sum per month which a soldier shall be entitled to receive by way of pay free of any deductions whatsoever may be, prescribed by regulations made under this Act.

**57. Deductions from Pay.**

- 1) Subject to the provisions of any regulations made under this Act, the following penal deductions may be made from the pay due to an officer, that is to say:-
  - a) all pay for every day of absence without leave or when missing unless a satisfactory explanation has been given to his commanding officer, and has been approved by the Chief-of-General Staff;
  - b) any sum required to make good the pay of any person subject to this Act which he has unlawfully retained, or unlawfully refused to pay;
  - c) any sum required to make good any loss, damage or destruction of public or regimental property which after due investigation appears to the Chief-of-General Staff to have been occasioned by any wrongful act or negligence on the part of the officer;
  - d) all pay and other money due to him from the Governing Authority ordered by a court-martial under this Act, to be forfeited;
  - e) any sum ordered by a court-martial to be deducted under this Act;
  - f) any sum required to pay a fine imposed by a criminal court.
- 2) Subject to the provisions of any regulations made under this Act, the following penal deductions may be made from the pay of a soldier that is to say:-
  - a) all pay for every day of absence either on desertion or without leave or when missing or as a prisoner of war, and for every day of imprisonment imposed by a criminal court, a court-martial, or an officer exercising authority under section 17 or a field punishment imposed by a court-martial on such officer;
  - b) all pay for every day whilst he is in custody on a charge for an offence of which he is afterwards convicted by a criminal court or court-martial, or on a charge of absence without leave for which he is afterwards imposed imprisonment or field punishment by any officer exercising authority under section 17;

- c) all pay for every day on which he is in hospital on account of sickness certified by the medical officer attending on him to have been caused by an offence under this Act committed by him;
- d) for every day on which he is in hospital on account of sickness certified by the medical officer attending on him to have been caused by his own misconduct or imprudence, such sum as may be specified by order of the Chief-of-General Staff;
- e) all pay and other money due to him from Governing Authority ordered by a court-martial under this Act or by an officer exercising authority under this Act to be deducted;
- f) any sum ordered by a court-martial to be deducted under this Act;
- g) any sum required to make good such compensation for any expenses caused by him; or for any loss of or damage or destruction done by him to any arms, ammunitions, equipments, clothing, instruments regimental necessaries or military decoration, or to any buildings or property as may be awarded by his commanding officer;
- h) any sum required to pay a fine imposed by a criminal court, or a court-martial exercising jurisdiction under this Act;

the total deductions from the pay of a person subject to this Act made under paragraphs ( c ) to ( f ) of subsection ( 1 ) and paragraphs ( e ) to ( h ) of subsection ( 2 ) shall not, except in the case of a person sentenced to dismissal, exceed one-half of his pay for that month and any unpaid balance shall be carried forward for deduction from month to month.

**Explanation:-**

For the purposes of paragraph ( a ) of subsection ( 1 ) and of paragraphs ( a ) to ( d ) of subsection ( 2 ):-

- i) any absence, custody or presence in hospital for less than a day may be reckoned as absence or custody for a day if such absence, custody or presence in hospital prevented the absentee from fulfilling any military duty which was thereby thrown upon some other person; and

- ii) absence, custody or presence in hospital for six consecutive hours or upwards, whether wholly in one day or partly in another, may be reckoned as absence or custody for a day; and
- iii) where a person has been absent or in custody or in hospital for one day as reckoned under the foregoing paragraphs and remains absent, in custody or in hospital began provided that no period of less than twenty-four hours shall be reckoned as more than one day.

**58. Remission of Deductions.**

Any deduction from pay authorized by this Act may be remitted in the prescribed manner and to the prescribed extent, by the Chief-of-General Staff or such other authority as may, from time to time, be prescribed.

**59. Provisions for Dependants of Prisoner of War.**

- 1) Notwithstanding the provisions of paragraph (a) of subsection (2) of section 57 or of any other enactment or rule of law to the contrary, it shall be lawful for the C-in-C to make such provisions out of the pay which would otherwise be payable to a person subject to this Act who has been made a prisoner of war to such of his dependants as he may think fit, and in that event any remission made under the provisions of section 58 shall be made out of and shall apply only to the balance thereafter remaining of such pay.
- 2) Any payments hitherto made to dependants by way of deductions from any pay under this section shall be valid under this Act.

**Chapter IX:**

**Courts-Martial**

**60. Court-Martial and the Kinds Thereof.**

For the purpose of this Act, there shall be three types of courts-martial:-

- a) General court-martial (GCM);
- b) District court-martial (DCM);
- c) Summary court-martial (SCM).

**61. Power to Convene General Court-Martial.**

A general court-martial may be convened by the Chairman or the C-in-C or by any officer empowered in this behalf by warrant of the C-in-C.

**62. Power to Convene District Court-Martial.**

A district court-martial may be convened by any officer having power to convene a general court-martial, or by any officer empowered in this behalf by warrant of any such officer.

**63. Contents of Warrant.**

A warrant issued under sections 61 or 62 may contain such restrictions, reservations or conditions as the person issuing it may think fit.

**64. Composition of general court-martial**

A general court-martial shall consist of not less than five officers each of whom shall have not less than whole three years commissioned service, and of whom not less than four are of a rank not below that of Captain:

Provided that in any special case the C-in-C may constitute a general court-martial with a fewer number of officers subject to a minimum of three.

**65. Composition of District Court-Martial.**

A district court-martial shall consist of not less than three officers, each of whom shall have held a commissioned service for not less than two years.

**66. Summary Court-Martial.**

- 1) Subject to any rules that may be prescribed in that behalf, a summary court-martial may be convened by the commanding officer of a battalion or of any superior or equivalent body of troops or of any detachment of the Force under the command of an officer not below the rank of Lt. Col.
- 2) At every summary court-martial, the officer holding the trial shall alone constitute the court, but the proceedings shall be attended throughout by two other officers or if two other officers are not, in the opinion of the officer holding the trial available, by one other officer and one non-commissioned officer but such officers shall not be members of the court and as such shall not be sworn or affirmed

**67. Dissolution of Courts.**

- 1) If a court-martial, after the commencement of the trial is reduced below the smallest number of officers of which it is by this Act required to consist, it shall be dissolved.
- 2) If, on account of illness of the accused before the finding, it is impossible to continue the trial, the court-martial shall be dissolved.
- 3) Where a court-martial is dissolved under this section the accused may be tried again.

**68. Prohibition of Second Trial.**

When any person subject to this Act has been acquitted or convicted of an offence by a court-martial or by a criminal court, or has been summarily dealt with for an offence under sections 17 and 19, he shall not be liable again to be tried for the same offence by a court-martial or dealt with summarily in respect thereof.

**69. Time Bar to Trial.**

No trial by court-martial of any person subject to this Act for any offence, other than an offence of mutiny, desertion or fraudulent enrollment or enlistment shall be commenced after the expiration of three years from the date of such offence and no such trial for an offence of desertion, (other than desertion on active service), or of fraudulent enrollment or enlistment shall be commenced if the person in question, not being an officer, has subsequently to the commission of the offence, served continuously in an exemplary manner for not less than three years with any portion of the Force.

**70. Place of Trial.**

Any person subject to this Act who commits any offence against it may be tried and punished for such offence in any place whatever.

**71. Procedure in Case of Concurrent Jurisdiction.**

Subject to the provisions of this Act, where a criminal court otherwise than by virtue of this Act and a court-martial by virtue of this Act have each jurisdiction in respect of an offence, the procedure to be followed in deciding before which court the offence shall be tried may be prescribed by rules made under this Act.



**72. Power of Criminal Court to Require Delivery of Offender.**

- 1) When a criminal court having jurisdiction is of opinion that proceedings ought to be instituted before itself in respect of any alleged offence, it may, by written notice, require the military authority at its option either to deliver over the offender to the nearest magistrate to be proceeded against according to the law, or to postpone any proceedings under this Act pending a reference to the Commissioner for Defence.
- 2) In every such case the said authority shall either deliver over the offender in compliance with the requisition or shall forthwith refer the question as to the court before which the proceedings are to be instituted for the determination of the Commissioner for Defence, whose order upon such reference shall be final.

**73. Trial by Court-Martial is no Bar to Subsequent Trial by Criminal Court.**

- 1) Notwithstanding anything contained in the provisions of the Code of Criminal Procedure, 2003 a person convicted or acquitted by a court-martial may afterwards be tried by a criminal court for the same offence or on the same facts.
- 2) If any person sentenced by a court-martial in pursuance of this Act to punishment for any offence is afterwards tried by a criminal court for the same offence or on the same facts, that court shall, in imposing punishment have regard to the military punishment he might have already undergone.

**74. Power of General and Summary Court-Martial.**

A general or summary court-martial shall have power to try any person subject to this Act for any offence made punishable therein, and to pass any sentence authorized by this Act.

**75. Powers of District Court-Martial.**

A district court-martial shall have power to try any soldier for any offence made punishable by this Act and to pass any sentence other than a sentence of death or imprisonment for a term exceeding two years.

**76. Powers of Summary Court-Martial.**

A summary court-martial may try any offence under the provisions of this Act:

Provided that when there is no grave reason for immediate action, and reference can without detriment to discipline be made to the officer empowered to convene a district court-martial or on active service a summary court-martial for the trial of the alleged offender, an officer holding a summary court-martial shall not try without such reference any of the following offences, namely:-

- a) any offence punishable under sections 20, 21, or 46;
- b) any offence against the officer holding the court.

**77. Persons Triable by Summary Court-Martial.**

A summary court-martial may try any soldier under the command of the officer holding the court.

**78. Sentence Imposable by Summary Court-Martial.**

A summary court-martial may pass any sentence which can be passed under this Act except a sentence of death or of imprisonment for a term exceeding one year.

**79. President of Court-Martial.**

At every general or district court-martial the senior member shall sit as president.

**80. Judge-Advocate.**

Every general or district court-martial shall be attended by a Judge-Advocate or any Judge in the area of the trial or, legal counsel appointed by the Attorney-General.

**81. Challenge**

- 1) At all trials by general, district or summary courts-martial, as soon as the court is assembled, the names of the president and members shall be read over to the accused, who shall thereupon be asked whether he objects to being tried by any officer sitting on the court.
- 2) If the accused objects to any such officer his objection and also the reply thereto of the officer objected to, shall be heard and recorded and the remaining officers of the court shall decide on the objection.

- 3) If the objection is allowed by not less than one-half of the votes of the officers entitled to vote, the objection shall be allowed, and the member objected to shall retire, and his vacancy may be filled in the prescribed manner by another officer, subject to the same right of the accused to object.
- 4) When no challenge is made, or when challenge has been made, and disallowed, or the place of every officer successfully challenged has been filled by another officer to whom no objection is made or allowed, the court shall proceed with the trial.

**82. Decisions of Court-Martial.**

- 1) Every decision of a general or district court-martial shall be passed by an absolute majority of votes; and where there is an equality of votes, as to either finding or sentence, the decision shall be in favour of the accused.
- 2) Where in matters other than a challenge or the finding or sentence there is an equality of votes, the president shall have a casting vote.

**83. Oath by President and Members.**

An oath or affirmation in the prescribed form shall be administered to every member of court-martial and to the Judge-Advocate, sitting Judge or Counselor before the commencement of the trial.

**84. Oath by Witnesses.**

Every person other than the accused giving evidence at a court-martial shall be examined on oath or affirmation, and shall be duly sworn or affirmed in the prescribed form.

**85. Summoning Witnesses and Production of Documents.**

- 1) The convening officer, the president of the court, the Judge-Advocate or the commanding officer of the accused person, may by summons under his hand, require the attendance at a time and place to be mentioned in the summons, of any person either to give evidence or to produce any document or other thing.
- 2) In the case of a witness subject to military authority the summons shall be sent to the officer commanding the corps, unit, department or detachment to which he belongs, and such officer shall serve it upon him accordingly.

- 3) In the case of any other witness, the summons shall be sent to a magistrate within the local limits of whose jurisdiction he is present or resides, and such magistrate shall give effect to the summons as if the witness were required in the court of such magistrate.
- 4) When a witness is required to produce any particular document or other thing in his possession or power, the summons shall describe it with convenient certainty.
- 5) Nothing in this section shall be deemed to affect the rules of evidence applied by the courts under section 215 of the Code of Criminal Procedure, 2003 in relation to “evidence as to affairs of New Sudan” and “official communication”, or to apply to any letter, post card, telegram, or other document in the custody of the postal or telegraph authorities.
- 6) If any document in the custody of the postal or telegraph authorities, is, in the opinion of the County Judge, wanted for the purpose of any court-martial, such Judge may require the postal or telegraph authorities, as the case may be, to deliver such document or, in his discretion, a certified copy thereof to such person as he may direct.
- 7) If any document in the custody of the postal or telegraph authorities, is, in the opinion of any Magistrate wanted for the purpose of any court-martial such magistrate may require the postal or telegraph authorities, as the case may be, to cause search to be made for and to detain such document pending the orders of a County Judge empowered to make an order in respect of such document.

## **86. Commissions.**

- 1) Wherever, in the course of any trial by court-martial, it appears to the court that the examination of a witness is necessary for the ends of justice, and that the attendance of such witness cannot be procured without an amount of delay, expenses or inconvenience which, in the circumstances of the case, would be unreasonable, such court may address the Judge-Advocate-General to order that a commission to take the evidence of such witness may be issued and shall forward therewith a statement of the circumstances which appear to render the examination or commission necessary together with a list of any questions which it may desire to be put to the witness.

- 2) The prosecutor and the accused person in any case in which a commission is issued may respectively submit any interrogatories in writing and so far as the court shall think the same relevant, such interrogatories shall be added to the list of questions mentioned in subsection (1).
- 3) The Judge-Advocate-General so addressed may, if he thinks necessary, issue a commission to any magistrate within the local limits of whose jurisdiction such witness resides, to take the evidence of such witness.
- 4) The Judge-Advocate-General, issuing such commission shall send any list of questions submitted by the court together with any interrogatories added thereto under subsection (2) to the magistrate to whom the commission is directed who shall examine the witness upon such questions and interrogatories.
- 5) The prosecutor and the accused person may appear before the examining Magistrate by advocate or except in the case of an accused person in custody, in person, and may examine, cross-examine and re-examine as the case may be, the said witness.
- 6) After the witness has given his answers to such questions and interrogatories and the examination, cross-examination and re-examination under subsection (5), has been completed, the examining magistrate may put to the witness such supplementary questions incidental to or arising out of such answers as may appear to him to be necessary in the interest of justice.
- 7) After any commission issued under this section has been duly executed, it shall be returned, together with the deposition of the witness examined thereunder to the Judge-Advocate-General addressed by the court-martial, who shall forward the same to the court at whose instance the commission was issued, or if such court has been dissolved, to any other court convened for the trial of the accused person, and the commission, the return thereto, and the deposition shall be open to the inspection of the prosecutor and the accused person and may, subject to all just exceptions, be read in evidence in the case by either the prosecutor or the accused, and shall form part of the proceedings of the court.
- 8) In every case in which a commission is issued under this section the trial may be adjourned for a specified time reasonably sufficient for the execution of the commission.

**87. Conviction for one Offence on Charge of Another.**

- 1) A person charged before a court-martial with desertion may be found guilty of attempting to desert or of being absent without leave.
- 2) A person charged before a court-martial with attempting to desert may be found guilty of desertion or of being absent without leave.
- 3) A person charged before a court-martial with theft, misappropriation or conversion to his own use of property entrusted to him, or unlawfully receiving or retaining property in respect of which any of the aforesaid offences has been committed knowingly or having reason to believe it to have been stolen or misappropriated or converted, may be found guilty of any other of these offences with which he might have been charged.
- 4) A person charged before a court-martial with any offence punishable under section 46 may be found guilty of any other offence, of which he might have been found guilty if the provisions of the Code of Criminal Procedure, 2003 were applicable.
- 5) A person charged before a court-martial with any other offence under this Act may, on failure to prove that an offence having been committed in circumstances involving a more severe punishment, be found guilty of the same offence as having been committed in circumstances involving a less severe punishment.
- 6) A person charged before a court-martial with any offence under this Act may be found guilty of having attempted to commit or of Abetment of that offence although the attempt or Abetment is not separately charged.

**88. Majority Requisite to Sentence of Death.**

No sentence of death shall be passed by any court-martial without the concurrence of at least two thirds of the members of the court.

**89. General Rules as to Evidence.**

The provisions of the Code of Criminal Procedure, 2003 and Evidence Act, 2003, as to the nature and admission of evidence shall, subject to the provisions of this Act, apply to all proceedings before a court-martial.

**90. Judicial Notice.**

A court-martial may take judicial notice of any matter within the general military knowledge of the members.

**91. Presumption as to Signatures.**

In any proceedings under this Act any application, certificate, reply to an order or other document purporting to be signed by an official or officer in the civil or military service of the New Sudan Authority shall, on production, be presumed to have been duly signed by the person and in the character by whom and in which it purports to have been signed, until the contrary is proved.

**92. Enrollment or enlistment paper.**

Any enrollment or enlistment paper purporting to be signed by an authorized officer shall, in any proceedings under this Act, be evidence of the person enrolled or enlisted having given the answers to questions which he is therein represented as having given. The enrollment or enlistment of such person may be proved by the production of a copy of his enrollment or enlistment paper purporting to be certified to be a true copy by the officer having the custody of such paper.

**93. Presumption as to Certain Documents.**

- 1) A letter, return or other document respecting the service of any person in, or the dismissal or discharge of any person from any portion of the Force, or respecting the circumstances of any person not having served in or belonged to any portion of the Force, if purporting to be signed on behalf of the New Sudan Authority or by the C-in-C or by the officer commanding the battalion or other superior or equivalent body of troops to which the person appears to have belonged or alleges that he belongs shall be evidence of the facts stated in such letter, return or other documents.
- 2) Any Army List of seniority or Gazette purporting to be published by authority shall be evidence of the status or rank of the officers therein mentioned and of any appointment held by such officers, and of the corps, unit or department to which such officers belong.
- 3) Where a record is made in any regimental book in pursuance of this Act or otherwise in pursuance of any military duty, and purports to be signed by the commanding officer, or by the officer whose duty it is to make such record, it shall be evidence of the facts thereby stated.

- 4) A copy of any recorded return in any regimental book purporting to be certified to be a true copy by the officer having custody of such book shall be evidence of such recorded return.
- 5) Where any person subject to this Act is being tried on a charge of desertion or absence without leave, and such person surrendered himself into the custody, of, or has been apprehended by any officer or any portion of the Force, a certificate purporting to be signed by such officer or by the commanding officer of that portion of the Force, and stating the fact, date and place of such surrender or apprehension shall be evidence of such record.
- 6) When any person subject to this Act is being tried on a charge of desertion or of absence without leave, and such person has surrendered himself into the custody of, or has been apprehended by a policeman not below the rank of an officer in charge of a police station, a certificate purporting to be signed by such police officer and stating the fact, date and place of such surrender or apprehension shall be evidence of the matters so stated.
- 7) The evidence of any medical officer of the New Sudan Authority taken on oath before an officer not below the rank of Captain in the presence of the accused may be read in evidence in any court-martial although he is not called as a witness, provided that the court may if it thinks fit summon such medical officer to appear before it as a witness.
- 8) A written report of any such medical officer may at the discretion of the President of the court or in the case of summary court-martial of the officer holding the trial be admitted in evidence in any court-martial for the purpose of proving the nature of any injuries received by and the physical cause of the death of any person who has been examined by him

Provided that on the admission of such report, the same shall be read over to the accused and he shall be asked whether he disagrees with any statement therein and any such disagreement shall be recorded by the President; and if by reason of any such disagreement or otherwise it appears desirable for the ends of justice that such medical officer shall attend and give evidence in person, the President shall summon such medical officer to appear as a witness.



- 9) Any document purporting to be a report under the hand of any expert in bacteriology, physiology, biology, pathology, chemistry or other branch of scientific knowledge in the service of the New Sudan Authority or thing submitted to him for examination or analysis and report by the Judge-Advocate-General, the convening officer or the prosecutor, may be used as evidence in any court-martial.

**94. Reference by Accused to Civil or Military Officer.**

- 1) If at any trial for desertion, absence without leave, overstaying leave or not rejoining when wanted for service, the person tried states in his defence any sufficient or reasonable excuse for his unauthorized absence, and refers in support thereof to any official or officer in the civil or military service or if it appears that any such official or officer is likely to prove or disprove the said statements in the defence, the court shall address such official or officer and adjourn until his reply is received.
- 2) The written reply of any official or officer so referred to shall, if signed by him, be received in evidence and have the same effect as if made on oath before the court.
- 3) If the court is dissolved before the receipt of such reply or if the court omits to comply with the provisions of this section, the convening officer may, at his discretion, annul the proceedings and order a fresh trial by the same or another court-martial.

**95. Evidence of previous conviction and general character.**

- 1) When any person subject to this Act has been convicted by a court-martial of any offence, such court-martial may inquire into, and record evidence of any previous convictions of such person, either by a court-martial or by a criminal court and shall whenever possible, take evidence of and record the character of such person, and such other matters as may be prescribed.
- 2) Evidence received under this section shall be in the form of entries in, or certified extracts from, court-martial books or other official records; and it shall not be necessary to give notice before trial to the person tried that evidence as to his previous convictions or character will be received.

- 3) At any summary court-martial the officer holding the trial may, if he thinks fit, record any previous convictions against the offender, his general character, and such other matters as may be prescribed, as of his own knowledge, instead of requiring them to be proved under the foregoing provisions of this section.

**96. Finding or Sentence Invalid Without Confirmation.**

No finding or sentence of a general or district court-martial shall be valid unless confirmed as provided by this Act.

**97. Power to Confirm Finding and Sentence of General Court-Martial.**

The findings and sentences of general court-martial shall be confirmed by the Chairman and C-in-C or by any officer empowered in this behalf by warrant of the Chairman and C-in-C.

Provided that no death sentence shall be confirmed unless reviewed and recommended by the Court of Appeal.

**98. Power to Confirm Finding and Sentence of District Court-Martial.**

The findings and sentences of district court-martial shall be confirmed by any officer having power to convene a general court-martial or by any officer empowered in this behalf by warrant of any such officer.

**99. Limitation of Powers of Confirming Authority.**

A warrant issued under any of sections 97 and 98 may contain such restrictions, reservations or conditions as the officer issuing it may think fit.

**100. Power of Confirming Officer to Mitigate, etc., Sentences.**

Subject to such restrictions as may be contained in any warrant issued under section 97 or 98, a confirming officer when confirming the finding and sentence of a court-martial, may:-

- a) mitigate the punishment imposed, or commute such punishment for any lesser punishment to which the offender could have been sentenced by the court-martial; or
- b) remit the whole or any part of the punishment imposed; or
- c) suspend the execution of the whole or any part of such punishment; or

- d) refuse to confirm the finding and sentence of the court-martial and may for reasons to be recorded in writing order a fresh trial by another court-martial.

**101. Confirmation of Finding and Sentence on Board a Ship.**

When any person subject to this Act is tried and sentenced by a court-martial while on board a ship the finding and sentence so far as not confirmed and executed on board a ship may be confirmed and executed in like manner as if such person had been tried at the port of disembarkation.

**102. Power of Confirming Officer in Cases of Retrial.**

In cases of a fresh trial under section 100 (d):-

- a) if the finding of the court-martial on any charge is one of not guilty, such finding shall be confirmed by the confirming officer;
- b) if the finding of the court-martial on any charge is one of guilty, the confirming officer may exercise any of the powers conferred on him by paragraphs (a), (b) and (c) of section 100 in relation to the punishment imposed by the court-martial.

**103. Finding and Sentence of a Summary Court-Martial.**

The finding and sentence of a summary court-martial shall not require to be confirmed, but may be at once announced and executed forthwith:

Provided that, if the officer holding the trial is of less than five years' commissioned service, he shall not except on active service, execute any sentence until he has received the approval of an officer commanding his unit or other prescribed officer.

**104. Transmission of Proceedings of Summary Court-Martial.**

The proceedings of every summary court-martial shall without delay be forwarded to the Chief-of-General Staff or to the prescribed officer; and the Chief-of-General Staff or such officer may for reasons based on the merits of the case but not on any mere technical grounds, set aside the proceedings or reduce the sentence which the court could have passed.

**105. Substitution of Valid for Invalid Sentence.**

Where a sentence passed by a court-martial, whether the same has been confirmed or not and whether the same requires confirmation or not, is found for any reason to be invalid or inappropriate, the confirming authority or the authority who would have had power under this Act to set aside the proceedings if the sentence had been invalid may pass a valid or appropriate sentence:

Provided that the punishment imposed by the sentence so passed shall not be higher in the scale of punishments than, or in excess of, the punishment imposed by the invalid sentence.

**106. Provision in the Case of Accused Being Lunatic.**

- 1) Whenever in the course of a trial by court-martial it appears to the court, that the person charged is of unsound mind and consequently incapable of making his defence, or that such person committed the act alleged but was not, at the time of committing the said act in possession of the power to appreciate the nature of his act or of controlling them, by reason of permanent or temporary insanity or mental infirmity, the court shall record a finding accordingly, and the President of the court, or the officer holding the trial, as the case may be, shall forthwith report the case to the confirming officer, or, in the case of a court-martial whose finding does not require confirmation to the Chief-of-General Staff.
- 2) The Chief-of-General Staff or a commanding officer to whom a case is reported under subsection (1), if he does not confirm the finding may take the necessary steps to have the accused person tried by the same or another court-martial for the offence with which he was originally charged.
- 3) The Chief-of-General Staff or a confirming officer confirming a finding in any case so reported to him shall order the accused person to be handed over to the relevant local civil authority who may thereupon place the accused in custody as he thinks desirable.
- 4) If in the opinion of the relevant local civil authority the circumstances so permit, the custody may, subject as aforesaid, be that of any relatives or friends of the accused willing to take charge of him, on the condition that the lunatic shall be properly taken care of and that he shall be prevented from doing injury to himself or to any other person.

In such case the relevant local civil authority may, if he thinks fit, take security from such relatives or friends for his production at such time and place as the relevant local civil authority may from time to time direct.

- 5) Where an accused person having been found by reason of unsoundness of mind to be incapable of making his defence, is in custody, the Commissioner for Defence on the report of a medical officer that the accused is capable of making his defence, may take necessary steps to have such person tried by the same or another court-martial for the offence with which he was originally charged or, provided that the offence is an offence which apart from the provisions of this Act is punishable under the Penal Code, 2003.

## **Chapter X**

### **Execution Of Sentence**

#### **107. Form of Sentence of Death.**

In imposing a death sentence, a court-martial shall, direct that the convict shall suffer death by firing squad until he is dead.

#### **108. Commencement of Sentence of Imprisonment.**

Whenever any person is sentence under this Act to imprisonment, the term of his sentence shall, whether it has been revised or not, be reckoned to commence on the day on which the original proceedings were signed by the president or in the case of a summary court-martial, by the court.

#### **109. Execution of Sentence of Imprisonment.**

Whenever any sentence of imprisonment is passed under this Act, or whenever any death sentence passed is commuted to imprisonment, the commanding officer of the person under sentence, or such other officer as may be prescribed, shall forward a warrant in the prescribed form to the officer in charge of the civil prison in which such person is to be confined:

Provided that, in the case of a sentence of imprisonment for a period not exceeding three months the confirming officer, or, in the case of sentence which does not require confirmation, the court, may direct that the sentence shall be executed by confinement in military custody;

Provided further that on active service a sentence of imprisonment may be executed by confinement in such place as the officer commanding the forces in the field may from time to time appoint.

**110. Execution of Sentence of Imprisonment in Special Cases.**

Whenever in the opinion of the Chief-of-General Staff any sentence or portion of a sentence of imprisonment cannot, for special reasons conveniently be executed in accordance with the provisions of this Act, he may direct that such sentence or portion of sentence shall be executed by confinement in any civil prison or other fit place.

**111. Communication of Certain Orders to Civil Prison Officers.**

Whenever any order is duly made under this Act setting aside or varying the sentence, order or warrant under which any person is confined in a civil prison, a warrant in the prescribed form in accordance with such order shall be forwarded by the officer commanding the unit to which the prisoner belonged to the officer in charge of the prison in which such person is confined.

**Chapter XI**

**Pardons and Remission**

**112. Pardons and Remissions.**

- 1) When any person subject to this Act has been convicted by a court-martial of any offence, the Chairman and the C-in-C, or the confirming officer in the case of a sentence which he could have confirmed or which did not require confirmation, may:-
  - a) either without conditions or upon any condition which the person sentenced accepts, pardon the person or remit the whole or any part of the punishment imposed;
  - b) mitigate the punishment imposed or commute such punishment for any less punishment mentioned in this Act.
- 2) If any condition on which a person has been pardoned or a punishment has been remitted is, in the opinion of the authority which granted the pardon or remitted the punishment, not fulfilled, such authority may cancel the pardon or remission and thereupon the sentence of the court shall be executed as if such pardon had not been granted or such punishment has not been remitted:

Provided that, in the case of a person sentenced to imprisonment, such person shall undergo only the unexpired portion of his sentence.

- 3) When under the provisions of this Act, a non-commissioned officer is deemed to be demoted to the ranks, such reduction shall, for the purposes of this section be treated as a punishment imposed by a court-martial.

## **Chapter XII**

### **Rules, Regulations And Orders**

#### **113. Power to Make Rules, Regulations and Orders.**

- 1) The Chief-of-General Staff, with the approval of the Commission may, from time to time, make rules not inconsistent with this Act for the purpose of carrying into effect the provisions of this Act as to the conditions of service of the persons to whom this Act applies, and as to offences and the punishment thereof both summary and by court-martial, and may revoke or vary any such rules so made and without prejudice to the generality of the foregoing powers may by such rules provide for:-
  - a) the cut of pay to be imposed under section 18;
  - b) the specification of the punishments which may be imposed as field punishments under sections 17, 47 and 49;
  - c) the composition and procedure of committees of inquiry, and the administration of oaths or affirmations by such courts;
  - d) the convening and constitution of courts-martial,
  - e) the adjournment, dissolution and sittings of court-martial;
  - f) the procedure to be observed in trials by courts-martial;
  - g) the confirmation and revision of the findings and sentences of courts-martial;
  - h) the carrying into effect of sentences of courts-martial;
  - i) the suspension of sentences;
  - j) the forms of orders to be made under the provision of this Act relating to courts-martial, or imprisonment; and
  - k) any matter in this Act required to be prescribed and relating to offences or their punishment.

- 2) The Chief-of-General Staff, may make regulations not inconsistent with this Act with respect to the organization, administration, training and discipline of the Force, and may revoke and vary any regulations so made; and without prejudice to the generality of the foregoing powers may by such regulations provide for:-
  - a) the embodiment of the reserve;
  - b) ordinary, exceptional and mutual powers of command and relative ranks of officers;
  - c) any matter in this Act required to be prescribed;
  - d) appointments, promotions and transfers;
  - e) the presumption of death in the case of missing persons;
  - f) the constitution of authorities to decide for what persons, to what amounts and in what manner, provision should be made for dependants under section 59 and the due carrying out of such decisions;
  - g) the disposal of the property of deceased persons missing on active service, deserters and lunatics.
- 3) In time of emergency or war, the C-in-C acting alone in any case where reference to the civil authority is impracticable or involve undue delay, may make and when made to revoke and vary, rules and regulations as to all or any of the matters in respect of which rules and regulations may be made under the foregoing provisions of this section and to revoke or vary any rules or regulations provisionally made thereunder and any orders or regulations continued under this Act.

## **Chapter XIII**

### **Miscellaneous**

#### **114. Complaints by and Against Officers.**

- 1) Any officer who deems himself aggrieved by his commanding officer or any superior officer and who on due application made to his commanding officer does not receive the redress to which he considers himself entitled may complain to the Chief-of-General Staff, provided that if the complaint is against the Chief-of-General Staff, it may be made to the Commissioner for Defence.



- 2) Any soldier who deems himself aggrieved by any superior or other officer may, if not attached to a troop or company, complain to the officer under whose command or orders he is serving, and may if attached to a troop or company complain to the officer commanding the same:

Provided that when the officer complained against is the officer to whom the complaint would otherwise be referred, the aggrieved soldier may complain to such officer's superior officer.

- 3) Every officer receiving any complaint under subsection (2) shall enquire into it, and when necessary refer it to superior authority:

Provided that a decision by an authority competent to dispose of the matter complained of shall be final.

- 4) Every complaint under subsection (1) or (2) shall be passed through the legal military channels.

#### **115. Complaints Against Decision of Court-Martial.**

- 1) Any person aggrieved by the decision of any court-martial may petition the Chairman and C-in-C through his commanding officer or if he is a prisoner through the officer in charge of the prison.
- 2) Every such petition shall in the first instance be forwarded to the Chief-of-General Staff through the Judge, Advocate General.
- 3) The Chairman and C-in-C in respect of any such court-martial may exercise all the powers conferred upon a confirming officer and upon the Chief-of-General Staff respectively by sections 100 and 104 of this Act.
- 4) The presentation of a petition under the provisions of this section shall not suspend or interfere with the execution of any sentence passed under this Act, except in the case of a death sentence.

#### **116. Privileges of Persons Attending Court-Martial.**

- 1) No president or member of a court-martial, no member of Directorate of Military Justice, sitting Judge, no party to any proceeding before a court-martial, or his legal practitioner or agent, and no witness acting in obedience to a summons to attend court-martial shall, while proceeding to, attending on or returning from a court-martial, be liable to arrest under civil process.

- 2) If any such person is arrested under any such process he may be discharged by order of the court-martial;

**117. Property Exempted from Attachment.**

Neither the arms, clothes, equipment, accoutrements or necessaries of any person subject to this Act, nor any vehicle or animal used by him for the discharge of his duty, shall be seized.

**118. Apprehension of Deserters.**

- 1) Whenever any person subject to this Act deserts the commanding officer of the command, corps, unit, department or detachment to which he belongs shall give written information of the desertion to such civil authorities as in his opinion may be able to afford assistance towards the apprehension of the deserter; and such authorities shall thereupon take steps for the apprehension of the said deserter in like manner as if he were a person for whose apprehension a warrant had been issued by a magistrate and shall deliver the deserter, when apprehended, to military custody.
- 2) Any police officer may arrest without warrant any person reasonably believed to be subject to this Act and to be travelling without authority and shall bring him without delay before the nearest military authority.

**119. Arrest by Military Authorities.**

- 1) Any person subject to this Act who is charged with an offence may be taken into military custody.
- 2) Any such person may be ordered into military custody by any superior officer.
- 3) The charge against every person taken into military custody shall, without unnecessary delay be investigated by the proper military authority, and, as soon as may be, either proceedings shall be taken for punishing the offender, or such person shall be discharged from custody.

**120. Arrest by Civil Authorities.**

Whenever any person subject to this Act who is accused of any offence under this Act, is within the jurisdiction of any magistrate or police officer, such magistrate or police officer shall aid in the apprehension and delivery to military custody of such person upon receipt of a written application to that effect signed by his commanding officer.

**121. Inquiry on Absence of Person Subject to this Act.**

- 1) When any person subject to this Act has been absent without leave from his duty for a period of twenty one days, a board of inquiry shall, as soon as practicable, be constituted to inquire into the absence of that person, and if satisfied of the fact of such absence without leave or other sufficient cause, the Board shall declare such person absent and the commanding officer of the corps, unit or department to which the person belongs shall enter in the court-martial book of the corps, unit or department a record of the declaration.
- 2) If the person declared absent does not afterwards surrender, or is not apprehended, he shall, for the purposes of this Act, be deemed to be a deserter.

**122. Order for Custody and Disposal of Property Pending Trial in Certain Cases.**

When any property against which any offence appears to have been committed, or which appears to have been used for the commission of any offence, is produced before a court-martial during a trial, the court may make such order as it thinks fit for the trial, and if the property is subject to speedy or natural decay may, after recording such evidence as it thinks necessary, order it to be sold or otherwise dispose of and proceeds of sale kept in the custody of the court martial pending disposal of the case.

**123. Order for Disposal of Property Related to Offence Committed.**

After the conclusion of a trial before any court-martial the court of the officer confirming the finding or sentence of such court-martial or any officer superior to such officer, or, in the case of a court-martial whose finding or sentence does not require confirmation, the Chief-of-General Staff, may make such order as he thinks fit for the disposal by destruction, confiscation, delivery to any person claiming to be entitled to possession thereof or otherwise, of any property or document produced before the court or in its custody, or regarding any offence which appears to have been committed or which has been used for the commission of any offence.

**124. Penalty for Unlawful Possession of Service, Stores or Equipment.**

- 1) Any person, whether subject to this Act or not, who has in his possession, otherwise than in accordance with the custom of the Force, any items of service stores or equipment commits an offence under this section unless he satisfies the court or magistrate that he had such possession by virtue of a proper authority or that he did not know and had no means of knowing that the said item was such an item as aforesaid or that he had a reasonable excuse for being in such possession.
- 2) For purposes of this Act:-
  - a) “service stores or equipment” shall include any stores or equipment which have at any time been in possession of any unit or department of the SPLA, or which have at any time in the possession of any other person for transport or delivery to any such unit or department as aforesaid;
  - b) a thing shall be deemed to be in the possession of a person notwithstanding that it is in the actual possession and keeping of any other person or in any house, building or place, open or enclosed, whether occupied by himself or not, provided that such possession is on his behalf or with his express or implied authority and whether the same is so possessed or kept for his own use or benefit, or for the use or benefit of another.
- 3) Any person subject to this Act who commits an offence against this section shall, on conviction by court-martial, be punished with imprisonment or less punishment.
- 4) Any offence against this section by any person not subject to this Act may be tried by a County court of 1<sup>st</sup> Class Magistrate or by any court with greater powers, and any such person on conviction of any such offence shall be punished with imprisonment for a term not exceeding six months or with a fine not exceeding Ls.60 pounds together with three times the value of the property which such offender acquired by means of such offence or with both such imprisonment and fine.

## **Chapter XIV**

### **Special Provisions**

#### **125. Restriction on Persons Subject to this Act.**

Unless permitted by competent authority no person who is subject to this Act shall:-

- a) be a member of, any trade union or labour union, or any society, institution or association;
- b) attend or address any meeting or take part in any demonstration organized for any political or other purposes;
- c) communicate with the press or publish or cause to be published any article, book, letter or other document without prior authorisation.

#### **126. Prohibition against Delegation.**

Except as expressly provided in this Act, no power conferred by or under this Act on any person, or body shall be delegated to any other person.

#### **127. Establishment of National Defence Council.**

- 1) There shall be established a body to be known as the “National Defence Council” (NDC);
- 2) The National Defence Council shall consist of such Commissioners as the Chairman, and C-in-C and Chief-of-General Staff; may designate in addition to its power under this Act, the NDC shall be competent to perform such duties, exercise such powers and perform such functions, as may be determined by the Chairman.

Provided that no powers of the Chairman and C-in-C under this Act shall at any time be exercisable by the National Defence Council.

- 3) In addition to the powers, duties and functions hereinbefore referred to, the National Defence Council may be required by the Chairman to advise him in any matter relating to the SPLA Forces and security of the New Sudan.

- 4) The National Defence Council established under this section shall, at the commencement of this Act establish a committee to be known as the Defence Committee to be presided over by the Commissioner for Defence and to include the Chief-of-General Staff and such officers as may be considered necessary for the proper implementation of this Act.
- 5) The Commissioner for Defence shall be responsible for the conduct of his Secretariat while the Chief-of-General Staff is responsible for the command and administration of the SPLA.

**128. Code of Conduct.**

All the persons subject to the provisions of this Act shall abide by the code of conduct as envisaged in the attached schedule:-

Given under my hand this ..... day of ..... Year, 2003 A.D.

.....  
**Dr. John Garang de Mabior**  
**Chairman**  
**SPLA/CANS**

## **Schedule**

### **CODE OF CONDUCT FOR THE SPLA**

#### **1. Helping Members of the Public.**

A member of the SPLA shall:-

- a) offer help to members of the public when he finds them engaged in productive work, whenever he has time;
- b) offer medical assistance to members of the public who are in the territory of his unit;
- c) offer any other form of assistance to members of the public.

#### **2. Relationship with the Public.**

A member of the SPLA shall not:-

- a) abuse, insult, shout at, beat or in any way annoy any member of the public;
- b) steal any property or obtain goods by false pretenses;
- c) take anything from a person without paying for it unless it is a gift;
- d) retain anything he borrows from any member of the public;
- e) develop any illegitimate or irresponsible relationship with women;
- f) consume alcohol in a public drinking place while he is on duty or in uniform or in possession of a weapon;
- g) take drugs or be found in possession of drugs;
- h) kill any person by taking law into his own hands;
- i) trespass on any person's property;
- j) make public statements to journalists without proper authorization;
- k) attend diplomatic parties or deal with a foreign mission without proper authorization;
- l) give public speeches or broadcast public statements without permission from the appropriate authorities.

#### **3. Higher and Lower Ranks of the SPLA.**

The lower ranks of the SPLA shall obey the higher ranks and the higher ranks shall respect the lower ranks.

#### **4. Administration of SPLA Units.**

In the administration of any SPLA unit, democratic centralism, participation and central control shall be followed and without limiting the generality of the foregoing methods, the following methods shall be used:-

- a) holding regular meetings whereby officers and men can air their views and grievances;
- b) allowing open criticism of mistakes so as to avoid subterranean grumbling;
- c) different mistakes or errors should be treated differently depending on the causes thereof.

#### **5. Tendencies Injurious to the Cohesion of the SPLA:-**

The following tendencies are injurious to the cohesion of the SPLA and are prohibited:-

- a) quest for cheap popularity on the part of officers or militants by tolerating wrongs in order to be popular with soldiers;
- b) liberalism whereby the person in authority knows what is right and what is wrong, but due to weakened leadership, he does not stand firmly on the side of right;
- c) intrigue and double talk;
- d) tribalism, nepotism or any other form of acartarianism;
- e) formation of cliques in the SPLA;
- f) any form of corruption.

#### **6. Education in the SPLA:-**

- 1) Political education shall be mandatory so that officers and militants can understand the reasons for the struggle as well as the dynamics of the world, taking into consideration the fact that conscious discipline is better than mechanical discipline.
- 2) Every officer or soldier shall strive to master military science in order to gain capability, so that the SPLA is in a position to defend the people more effectively.
- 3) All commanders shall ensure that all soldiers depending on particular circumstances shall at any one time either be fighting, studying improving their academic standards, taking part in recreational activities, engaged in productive work or resting so that there is no idleness which breeds mischief.

#### **7. Political Commissars.**

It shall be the duty of the political commissars headed by the Director for Political and Moral Orientation to implement the provisions of section 6 of this schedule.