

# Constitution Of The Republic Of Sudan

(Entered into force 1 July 1998)

## **Preamble**

In the name of God, the creator of man and people, the grantor of life and freedom, and the guiding legislator of all society.

We, the people of Sudan, with the help of God, cognisant of the lessons of history, and with the help of the revolution of National Salvation, have made this Constitution to establish a public order, which we undertake to respect and protect, so help us God.

## **Part I**

### **The Guiding Principles of the State**

#### **Article 1**

##### **Nature of the State**

The State of Sudan is a country of racial and cultural harmony and religious tolerance. Islam is the religion of the majority of the population and Christianity and traditional religions have a large following.

#### **Article 2**

##### **Federal State**

Sudan is a Federal Republic governed at its highest level of authority in accordance with a federal system of government based on the Constitution and at the local level it is governed by local councils acting in accordance with the law. The government shall ensure participation, (consultation) shura and mobilization, respect for justice in the division of power and wealth.

#### **Article 3**

##### **Language**

Arabic is the official language in the Republic of Sudan. The State permits the development of local languages and other international languages.

#### **Article 4**

##### **Supremacy and Sovereignty**

God, the creator of all people, is supreme over the State and sovereignty is delegated to the people of Sudan by succession, to be practiced as worship to God, performing his trust, developing the homeland, and spreading justice, freedom and shura in accordance with the Constitution and laws.

#### **Article 5**

##### **Flag, Emblem, Medals, Feasts**

The State flag, emblem, medals and feast days are determined by law.

## **Article 6**

### **National Unity**

Sudan is united by the spirit of loyalty and compromise among its citizens, cooperation in the fair and just distribution of authority and of national resources. The State and society shall work together to foster the spirit of reconciliation and national unity among all Sudanese people, to guard against religious parties, political sectarianism and to eliminate ethnic prejudices.

## **Article 7**

### **Defence of Sudan**

Defense of the motherland is an honor and Jihad is a duty. The State is responsible for the popular armed forces and their defense of the political and territorial integrity of Sudan and the State shall care for the wounded in war and martyrs' families.

## **Article 8**

### **National Economy**

The State directs the growth of the national economy guided by planning on the basis of work, production and free market to prevent monopoly, usury, cheating, and to ensure national self-sufficiency, abundance, blessings and the aims of justice among states and regions.

## **Article 9**

### **Natural Resources**

All natural resources under the ground, on its surface or within the territorial waters of Sudan are public property and shall be governed by law. The State shall prepare plans and prompt the appropriate conditions for procuring the financial and human resources necessary to exploit these resources.

## **Article 10**

### **Zakat and Other Financial Obligations**

Zakat is a financial obligations collected by the State and its collection, expenditure and administration shall be in accordance with law. Inheritance (waqf), donations and self-help are voluntary, but encouraged by the State in accordance with law. Taxes, financial transaction fees and other financial obligations are subject to law.

## **Article 11**

### **Justice and Social Solidarity**

The Republic of Sudan shall guard justice and prompt social solidarity to establish a basic structure of society that provides the highest standard of living for every citizen and fairly distributes the national income, curtailing excesses and preventing the exploitation of the vulnerable, elderly and handicapped.

## **Article 12**

### **Science, Arts and Culture**

The State mobilizes its official resources and the popular institutions for combating illiteracy and ignorance, strengthening educational systems, and promoting science, research, scientific cooperation and facilitating access to education and research. It also encourages all forms of arts and seeks to encourage society to adopt religious values, piety, and activities beneficial to social development.

### **Article 13**

#### **Public Health, Sport and Environment**

The State shall promote public health, encourage sports and protect the natural environment, its purity and its natural balance, to ensure safe, sustainable development for the benefit of all future generations.

### **Article 14**

#### **Children and Youth**

The State shall care for children and youth, protect them from physical and spiritual exploitation and neglect, and shall implement policies for moral care and national education and religious values to ensure good future generations.

### **Article 15**

#### **Family and Women**

The State shall care for the family, facilitate marriages, develop population policies, provide child care, care for pregnant women, liberate women from injustices in all aspects of life, encourage women's role in the family and public life.

### **Article 16**

#### **Social Morals and Unity**

The State will seek by laws and directive policies to purge society from corruption, crime, delinquency and the consumption of alcohol by Muslims. The State shall also encourage society to adopt good customs, noble traditions, righteous manners, encourage the individual to participate effectively in the social life, and protect the unity of the country, the stability of government and the development of its civilization in conformity with admirable ideals.

### **Article 17**

#### **Foreign Policy**

The Republic of Sudan's foreign policy is conducted with pride, independence, openness and cooperation for the purpose of advocating the message of admirable principles to benefit the whole country and all humanity. This shall be achieved especially through the promotion of international peace and security; the promotion of the peaceful settlement of international disputes; enhancing cooperation with all countries in all aspects of life; observing the principles of good neighbourliness; non-interference in the internal affairs of others; respect for the basic rights, freedoms, duties and religious freedom for all people; ecumenical and cross-cultural dialogue to exchange benefits; and the strengthening of "international systems" based on justice, shura, good principles and the unity of humanity.

### **Article 18**

#### **Religion**

Those working for the state and those in public life should worship God in their daily lives, for Muslims this is through observing the Holy Quran and the ways of the Prophet, and all people shall preserve the principles of religion and reflect this in their planning, laws, policies, and official work or duties in the fields of politics, economics, and social and cultural activities; with the end of striving towards the societal aim of justice and righteousness, and towards achieving the salvation of the kingdom of God.

## **Article 19**

### **Directive Principles**

The directive principles are the general goals that the institutions and employees of government shall observe in all their undertakings and in the desire to achieve a government directed by them. No court or law can limit or enforce these principles. They are to be observed in all projects and policies of the executive branch of government and to be developed by the legislative branch in its laws, advice, investigations. All servants of the State shall work to implement them.

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## **Part II**

### **Freedoms, Rights and Responsibilities**

#### **Chapter One**

#### **Individual Rights**

##### **Article 20**

##### **Liberty and Life**

Everyone has the right to life and liberty and security of person in accordance with the law. Everyone shall be free and no one shall be held in slavery or servitude or degraded or tortured.

##### **Article 21**

##### **Liberty and Right of Equality**

All persons are equal before the law. Sudanese are equal in the rights and duties of public life without discrimination based on race, sex or religion. All persons are equal in eligibility for public office and civil service positions without preference due to wealth.

##### **Article 22**

##### **Nationality**

Everyone born of a Sudanese mother or father has the inalienable right to Sudanese nationality, its duties, and obligations. Everyone who has lived in Sudan during their youth or who has been resident in Sudan for several years has the right to Sudanese nationality in accordance with law.

##### **Article 23**

##### **Freedom of Movement**

Every citizen has the right to freedom of movement and residence in the country, to leave and return to the country, and these rights shall not be restricted except in accordance with law.

##### **Article 24**

##### **Right to Religion or Conscience**

Everyone has the right to freedom of conscience and religion and the right to manifest and disseminate his religion or belief in teaching, practice or observance. No one shall be coerced to profess a faith in which he does not believe or perform rituals or worship

that he does not voluntarily accept. This right shall be exercised in a manner that does not harm public order or the feelings of others, and in accordance with law.

#### **Article 25**

##### **Freedom of Opinion and Expression**

Every citizen has the right to seek any knowledge or adopt any faith, in opinion or thought, without being coerced by the authorities. Everyone shall have the right to freedom of expression, to receive information, to publish and there shall be freedom of the press, subject to restrictions necessary to security, public order, public safety, public morals and in accordance with law.

#### **Article 26**

##### **Freedom of Succession and Organization [Association]**

1. All citizens have the right to freedom of succession and organization for cultural, social, economic, professional or trade union purposes, without restriction except in accordance with law.
2. All citizens have the right to organize political succession. This right may only be limited by the conditions of shura, democracy in the leadership of the organization and the duty to campaign non-violently for their organization without using material wealth and bound by the provisions of the constitution and in accordance with law.

#### **Article 27**

##### **Minorities and Cultural Rights**

Every sect or group of citizens have the right to keep their particular culture, language or religion, and to voluntarily bring up their children within the framework of these traditions. It is prohibited to impose one's traditions on children by coercion.

#### **Article 28**

##### **Right to Property**

1. Every one has the right to monetary earnings and to his ideas, and retains ownership over his earnings. The state may not confiscate his money, land, invention, production or scientific or literary products, except by law to enforce public sharing, for the public interest and only in exchange for just compensation.
2. There may be no taxes or fees or other financial impositions except in accordance with law.

#### **Article 29**

##### **Privacy of Residence and Communication**

- A. All citizens are allowed freedom of communication and correspondence. Confidentiality is guaranteed and no communication or correspondence may be observed or recorded except as provided by law.
- B. Personal privacy of residence, living quarters, households and family are sacred and they may not be investigated except by permission or as provided by law.

### **Article 30**

#### **Security of Person**

Everyone is free and shall not be arrested, detained or imprisoned except in accordance with law which shall prescribe the charge, the maximum time limit that one may be held without charge, the means of release and the conditions of treatment while in detention.

### **Article 31**

#### **Effective Remedies and Liberty**

All persons have a right to an effective remedy and no person may be subjected to criminal proceedings or deprived of the right to bring a claim at law, except in accordance with law.

### **Article 32**

#### **Rights of Defendants**

A suspect of a crime is innocent until convicted and has the right to a speedy and just trial and the right to defend himself.

### **Article 33**

#### **Death Penalty**

1. The death penalty may not be imposed except as chastisement or punishment for the most serious very serious crimes in accordance with law.
2. A sentence of death shall not be imposed by crimes committed by persons below eighteen years-of-age and shall not be carried out on pregnant or lactating women, except two years after the birth, or on those above the age of seventy except when they have committed crimes of qisas or hadud.

### **Article 34**

#### **Protection of Constitutional Rights**

Every injured or harmed person who has exhausted all his executive and administrative remedies has the right to appeal to the Constitutional Court to protect the sacred liberties and rights contained in this Part.

The Constitutional Court in exercise of its authority may annul any law or order that is not in accordance with the Constitution and order compensation for damages.

## **Chapter Three**

### **Responsibilities of Citizens**

#### **Article 35**

##### **Public Duties (and their Supervision)**

1. Every citizen has the duty:
  - a. to be loyal to the Republic of Sudan and not to support its enemies;
  - b. to defend the country and respond to the Jihad call and national service;
  - c. to respect the Constitution and law and to respect and obey legitimate legal institutions and the legal, financial and practical obligations they impose;

- d. to protect public funds, property, utilities and combat corruption and sabotage;
  - e. to participate by opinions and public advice and to encourage others to do good deeds and to forbid others from doing bad deeds;
  - f. to show respect for the sacredness of society and its public interests and to preserve a righteous environment, morality and justice;
  - g. to participate in economic activities, public development, and to cooperate in charity, and to participate in national obligations concerning production;
  - h. to practice the rights and duties granted to him to improve public work, society and state leadership.
2. The duties of the citizens are general obligations governed by conscience and the supervising society. They are the source of policies and legislation, which may provide for penalties for non-compliance.

### **Part III**

#### **Leadership and Execution**

##### **Chapter One**

##### **Presidency of the Republic**

###### **Article 36**

###### **The President of the Republic**

The Republic of Sudan shall have a President elected by the people.

###### **Article 37**

###### **Conditions for Eligibility**

To be eligible to become President of the Republic of Sudan, the candidate should be:

- a. a Sudanese national;
- b. of sound mind;
- c. at least forty years-of-age; and
- d) not have been convicted of a crime involving moral turpitude or dishonesty in the last seven years.

###### **Article 38**

###### **Elections**

1. Every voter in the Republic has the right to nominate a candidate for the Presidency of the Republic, but the candidate must be seconded in accordance with law.
2. The President shall be the candidate receiving the highest number of votes, but not less than fifty percent of the total number of votes cast.
3. If no candidate receives the percentage of votes specified in paragraph 2 of this article, a run-off election shall be conducted between the two candidates receiving the highest number of votes.

## **Article 39**

### **Postponement of the Election**

If the Public Election Commission decides to postpone the presidential election due to circumstance of force majeure, it must conduct the election as soon as possible. In such circumstances, the incumbent President of the Republic will remain in office and his term will be extended until the elections are held and the new President has taken the oath of office.

## **Article 40**

### **Oath of Office of the President of the Republic**

The elected President of the Republic shall take the following oath of office: "In the name of Allah (God) the Almighty, I swear to perform as President of the Republic in worship and obedience to Allah, performing my duties diligently and honestly, working for the development and progress of the country and ignoring all personal or fanatical whims. I swear in the name of Allah, the Almighty, to respect the Constitution, law and consensus of public opinion and to accept shura and advice. Allah is the witness of what I say."

## **Article 41**

### **Presidential Term**

The term of President of the Republic is five years from the date of inauguration and a President may be re-elected only once.

## **Article 42**

### **Powers of the President of the Republic**

The President of the Republic is the ruler and highest sovereign authority of the country, responsible for the command of the armed forces and other organized forces; ensuring the country's security; maintaining its honor and external relations; supervising foreign relations, the judiciary, justice and public morals, constitutional institutions and mobilizing the country for development, with the following jurisdictions according to the Constitution and law:

- a. Appointing the personnel in the Federal offices created by this Constitution;
- b. Presiding over the Council of Ministers;
- c. Declaring the state of war in accordance with the Constitution and law;
- d. Declaring a state of emergency in accordance with the Constitution and law;
- e. Initiating amendment of the Constitution, law and providing final approval of the same;
- f. Endorsing the rules governing executions, granting pardons and annulling sentences convictions or sentences;
- g. Representing the State in foreign relations with other countries and with international organizations, appointing ambassadors; and recognizing the diplomatic representatives of other States;
- h. General representation of the government and the public opinion at public occasions;
- i. Any other powers provided for in the Constitution or law.

## **Article 43**

### **Absence of the President or Vacancy of the Post of President**



1. The post of President of the Republic becomes vacant on the following occasions:
  - a. Completion of the term of the Presidency;
  - b. Death;
  - c. Mental illness or serious physical disability;
  - d. Imprisonment in accordance with the rules of the Constitution;
  - e. Resignation of the President that has been accepted by the National Assembly.
2. When the President of the Republic is absent or his post is vacant, the First Vice-President shall temporarily perform the duties of President of the Republic until the return of the President or the election of a new President.
3. If the Office of President is vacant, elections for the President of the Republic shall be held within sixty days from the vacancy of the post.

#### **Article 44**

##### **Vice-Presidents and Assistants**

The President of the Republic shall appoint two deputies and two vice-presidents meeting the same requirements of eligibility as are necessary for the office of President of the Republic. He shall also appoint his assistants and Advisors and define their seniority and duties; and each shall take the same oath as the President has taken upon assumption of office.

#### **Article 45**

##### **Criminal Liability of the President and his Deputies**

The criminal liability of the President and his deputies is as follows:

1. No criminal proceedings may be taken against the President without the written permission of the National Assembly.
2. Any criminal proceedings taken in accordance with paragraph a shall be brought before the Constitutional Court.
3. Any decision to convict the President of a crime must be approved and ratified by the National Assembly.
4. The National Assembly may decide by a majority of two-thirds to remove the President after he has been convicted of a crime of treason or any other crime involving moral turpitude or dishonesty.

#### **Article 46**

##### **Legal Action Against an Act of the President**

Anyone harmed by an act of the President of the Republic may make an application:

- a. before the Constitutional Court, in cases relating to the constitutional powers of the President or in cases relating to the violation of individuals' human rights stipulated in this Constitution, and
- b. before the ordinary courts in any other cases of illegality.

## **Chapter Two**

### **Council of Ministers**

## **Article 47**

### **Formation and Authority**

1. The Council of Minister is formed from the Ministers appointed by the President.
2. The Council of Ministers is the highest Federal Authority in the State under the Constitution and the laws of Sudan. It decides by consultation and unanimously, or if unanimity that is not possible, by majority. The decisions of the Council of Ministers shall prevail over all other executive decisions.

## **Article 48**

### **Oath**

The Minister upon his appointment and before taking office shall take the following oath before the President of the Republic:

"In the name of Allah (God) the Almighty, I swear to perform my ministerial duties in worship and obedience to Allah; performing my duties diligently and honestly; working for the development and progress of the country and ignoring all personal or fanatical whims. I swear in the name of Allah, the Almighty, to respect the Constitution, law and consensus of public opinion and to accept shura and advice. Allah is the witness of what I say."

## **Article 49**

### **Powers of the Council of Ministers**

The Council of Ministers shall undertake the following:

- a. General planning for the State, including the establishment of aims, details and implementation.
- b. Approve of the most important policies of the federal ministries or area of ministerial responsibility.
- c. Undertake the executive or administrative activities of any Ministry or area of ministerial responsibility specified in law or a decision of the Council of Ministers.
- d. Initiate legislation approving international treaties and agreements, proposed legislation, provisional decrees, the public budget or any other matter to be referred to the National Assembly.
- e. Request reports on executive activities of any Minister and ensure the responsibility of any Minister according to his reports and the policies of the Council of Ministers.
- f. Request reports about the performance of any State executive for the purpose of information and coordination of the division of authority between the federal government and state governments.
- g. Regulate the conduct of its own work.
- h. Perform a political role by making statements or otherwise mobilizing the population to achieve the aims of political and public life.
- i. Perform any other function or powers conferred by law.

## **Article 50**

### **Ministerial Authority**

1. The Minister shall have jurisdiction and powers prescribed by law or delegated to him.
2. The Minister is the highest authority in his ministry and his decisions are supreme in his ministry, except when amended or cancelled by the Council of Ministers.
3. The President of the Republic can suspend the decision of a Minister it has been approved by the Council of Ministers.
4. The federal and state Ministers shall coordinate, cooperate, and compliment each other's roles.

## **Article 51**

### **Joint and Several Responsibility of Ministers**

1. A Minister shall be responsible for the work of his Ministry to the President of the Republic, the Council of Ministers and the National Assembly.
2. Ministers are jointly responsible for the performance of the executive to the National Assembly.

## **Article 52**

### **Prohibition of Commercial Interests**

It is prohibited for the President of the Republic or any of the vice-presidents, his assistants, advisors or Ministers to undertake any commercial profession or to engage in any commercial activity during their term of office.

## **Article 53**

### **Vacancies**

This post of a Minister becomes vacant in the following situations:

- a. the President's acceptance of the resignation of a Minister;
- b. the dismissal of a Minister by a resolution of the President of the Republic;
- c. death of the Minister.

## **Article 54**

### **Privacy and Regulation of Deliberations**

The meetings of the Council of Ministers are secret and may not be revealed except with the express permission of the Council of Ministers.

## **Article 55**

### **Appeal Against Ministerial Action**

Anyone harmed by the work of a Ministry can appeal against an action of a Minister or Ministry:

- a. before the Constitutional Court in cases relating to constitutional powers or authority or in cases relating to individual human rights.
- b. before the ordinary courts in any other cases of illegality.

## **Chapter Three**

### **State Executive Authority**

#### **Article 56**

##### **Conditions for the Nominations of State Governors**

1. Each state shall have a Governor elected in accordance with the Constitution and law.
2. The governors shall be chosen from among individuals meeting the requirements for eligibility to the Presidency of the Republic.
3. A college for nomination of the governor shall be established in each state from among members of the National Assembly representing the state, members of the State Assembly, and the Presidents of the Local Councils. The State Assembly shall present a list of six nominees to the President of the Republic two months before the end of the terms of the current governors.
4. The President of the Republic shall select three persons from the names presented to him and then consult the Public Election Commission about their eligibility for the post. If they meet the requirements of eligibility, these three people shall be the candidates for the post of the State Governor.
5. The winning candidate for the post of State Governor, shall be the candidate that has received more than fifty percent of the total number of votes cast.
6. If no candidate receives the percentage of votes indicated in paragraph 5, a second round of elections shall be held between the two candidates receiving the highest number of votes.

#### **Article 57**

##### **Postponement of Elections of Governors**

If it is not possible to hold elections for a reasons determined by the Public Election Commission, the President of the Republic may name a State Governor until such time as the Public Elections Commission determines that elections may be held.

#### **Article 58**

##### **Oath of the State Governors**

Each State Governors upon his appointment and before taking office shall take the same oath as taken by the President of the Republic.

#### **Article 59**

##### **Terms of Office**

The term of office of each State Governor shall be four years and may be re-elected for one term only.

#### **Article 61**

##### **Power of Governors**

The State Governor shall have the following powers:

- a. To appoint the State Ministers after consultation with the President of the Republic.
- b. To preside over the State Council of Ministers.

- c. To supervise the general security of the state and to coordinate its good administration.
- d. To represent the State.

#### **Article 62**

##### **Individual Responsibility of Governors**

The Governor shall be individually responsible to the President of the Republic.

#### **Article 63**

##### **Criminal Liability of Governors**

The State Governors have the same criminal liability as the President of the Republic, with the exception that the State Assembly shall replace the National Assembly in so far its responsibilities are concerned.

#### **Article 64**

##### **State Councils of Ministers**

1. Each State shall have a Council of Ministers.
2. The provisions of articles 47(2), 48 and 49 shall apply to the State Council of Ministers with the exception of the power to initiate bills concerning international treaties and agreements, and taking into account that the character of State Councils of Ministers as organs of states, that they are submit legislative proposals to the State Assembly.
3. The powers of a State Minister are the same as those of a Federal Minister as stated in paragraphs 1, 2 and 3 of article 50 and taking into account that the State Governor shall be substituted for the President of the Republic in the exercise of these powers.
4. The provisions of article 50 through 55 shall apply to the state executive powers taking into account that the State Governor shall be substituted for the President of the Republic in the exercise of these powers.

### **Part IV**

#### **Legislator**

##### **Chapter One**

##### **Sources of Legislation**

#### **Article 65**

##### **Source of Legislation**

The Islamic Sharia and the national consent through voting, the Constitution and custom are the source of law and no law shall be enacted contrary to these sources, or without taking into account the nation's public opinion, the efforts of the nation's scientists, intellectuals and leaders.

#### **Article 66**

##### **Referendum**

1. The President of the Republic or the National Assembly by a resolution enjoying the support of fifty percent of its members, may refer any matter concerning fundamental values, national will, or national interest, to a referendum.
2. The Public Election Commission shall organize a national referendum under all the registered voters in the Sudan and the resolution presented in the referendum shall be deemed accepted by the people of Sudan if it receives more than fifty percent of the votes cast.
3. Every resolution that receives the consent of the people of Sudan shall have the status above any other law and it may only be abridged by a later resolution accepted by referendum or by a two-thirds majority of the National Assembly.

## **Chapter Two**

### **The Federal Legislative Power**

#### **Article 67**

##### **National Assembly**

1. National Assembly shall be established to exercise the legislative authority or any other power accorded it by the Constitution.
2. The National Assembly is established by direct general elections of its members, by special elections or by indirect elections as follows:
  - a. Seventy-five percent of its members are directly elected from geographical constituencies that proportionately represent the geographical situation of country's population.
  - b. Twenty-five percent of its members are elected by special elections or indirect election from among women, and the scientific and professional communities, in either states or nationally, as is determined by law.
3. If it is not possible to hold elections in any constituency or specialized electoral college due to serious reasons of national security, the President of the Republic may appoint a person to occupy the seat of the member of that constituency or special electoral college until elections can be held.

#### **Article 68**

##### **Conditions of Membership**

1. To be eligible for a seat in the National Assembly an individual must be:
  - a. a Sudanese national;
  - b. at least twenty-three years-of-age;
  - c. of sound mind; and
  - d. not have been convicted of a crime against moral turpitude or dishonesty during the last seven years.
2. No one shall be eligible for nomination to the membership of the National Assembly if he is a member of a State Assembly, a State Governor, or a member of a State Council of Ministers.

#### **Article 69**

##### **Loss of Membership**

1. Membership in the National Assembly may be withdrawn by a decision of the National Assembly for any of the following reasons:
  - a. Permanent physical or mental disease;
  - b. Conviction of a crime involving moral turpitude or dishonesty;
  - c. Absence from a complete session of the National Assembly without permission or reasonable cause;
  - d. Loss of the post upon which membership depended;
  - e. Written resignation announced in the National Assembly;
  - f. Death.
2. When a member's seat is declared vacant another member shall be elected, depending upon the nature of the seat, within a period of sixty days.

#### **Article 70**

##### **National Assembly**

The seat of the National Assembly shall be in Omdurman, but the Speaker of the National Assembly may convene the national Assembly at any other location by exception.

#### **Article 71**

##### **Oath of Members of the National Assembly**

Every Member of the National Assembly shall take the following oath before the National Assembly before performing his duties as a Member of the National Assembly: "In the name of Allah (God) the Almighty, I swear to accept the burden of representing the people as a Member of the National Assembly in obedience to Allah; performing my duties diligently, honestly, truthfully and regularly attending the sessions and deliberations of the National Assembly without any personal prejudices or fanatical whims, fulfilling the duties required of members, defending the country's safety and security and the public interest, and respecting the Constitution, law and traditional morals (maruf). Allah is the witness of what I say."

#### **Article 72**

##### **Duration**

The National Assembly's session shall last for a term of four years from the start of its first session.

#### **Article 73**

##### **Powers of the National Assembly**

1. The National Assembly shall represent the popular will in legislation, planning, supervision of the executive, and social and national mobilization, in a serious and honest manner, and without violating the above, perform the following tasks:
  - a. Endorse plans, programmes and policies of the state and society;
  - b. Approve constitutional amendments, laws and temporary decrees;
  - c. Approve the federal budget, revenues and expenditures;
  - d. Approve treaties and international agreements;
  - e. Supervise executive performance;
  - f. Initiate and participate in political and social mobilization; and
  - g. Issue resolutions concerning public affairs.

2. The National Assembly may in the supervision of the executive present a recommendation to the President of the Republic for the removal of any Minister who has lost to confidence of the National Assembly, if this decision has been taken after a general debate and the resolution receives the approval of fifty percent of members present and voting.

#### **Article 74**

##### **Immunity of Members of the National Assembly**

It is prohibited to institute criminal proceedings against any member of the National Assembly, unless they are arrested in the process of committing a criminal act, to arrest him, or to begin and action against him or his property, without the permission of the Speaker of the National Assembly.

#### **Article 75**

##### **Sessions**

1. The National Assembly shall hold its first session within thirty days of the elections and in response to a request by the President. The oldest member present at the opening session shall be the chairperson of the session.
2. The National Assembly fixes the beginning and end of each of its sessions.
3. The National Assembly may convene an extraordinary session by its own resolution or pursuant to a request of half its members or pursuant to an order of the President of the Republic.

#### **Article 76**

##### **Leadership of the National Assembly**

1. The National Assembly in its first session shall elect a Speaker from among its members at its first sitting.
2. The Speaker of the National Assembly presides over the sessions ensuring order, supervises its administrative affairs and represents it in Sudan and abroad.
3. The Assembly shall its elect leaders, in addition to the Speaker, including the Deputy Speaker and the chairpersons of deliberations and Committees.
4. The Speaker of the National Assembly shall appoint a General-Secretary who is not a member of the National Assembly. The Secretary-General shall undertake the preparatory and administrative affairs of the National Assembly, under the supervision of the Speaker.

#### **Article 77**

##### **National Assembly Committees**

The National Assembly shall form from among its members and in accordance with its Rules and Regulations permanent or ad hoc committees for the performance of its functions.

#### **Article 78**

##### **Regulations**

The National Assembly, upon the initiative of the Speaker, shall issue regulations organizing its work.



## **Article 79**

### **Quorum, Deliberations and General Affairs**

A quorum in the National Assembly is one-third of the members, unless the National Assembly is considering a legislative proposal in last reading or unless the Speaker decides that the subject stipulated in the agenda is so important that the quorum should be half of the members.

## **Article 80**

### **Public Sessions**

The session of the National Assembly shall be public and its deliberations and works published, except when the Assembly decides it is necessary to act otherwise.

## **Article 81**

### **Decisions**

The National Assembly shall strive to adopt all resolutions by consensus and where consensus is not possible, resolutions shall be adopted by a majority of those present, unless the Constitution provides otherwise.

## **Article 82**

### **Freedom of Expression in the National Assembly**

Members of the National Assembly shall express their views freely taking into account the rules and regulations of the National Assembly. Members of the National Assembly are immune from prosecution for any actions or statements made in the National Assembly.

## **Article 83**

### **Address by the President of the Republic**

- The President of the Republic may address the National Assembly in person or through an intermediary or may seek the view of the National Assembly on any subject. The National Assembly shall give priority to such request over all other matters.
- A Minister may request the opportunity to address the National Assembly and the Assembly should grant this request as soon as possible.

## **Article 84**

### **Questions and Statements**

1. Any member may address a question to any Federal Minister on any subject connected to the duties of the National Assembly and the Minister must reply to this question in accordance with the rules and regulations of the National Assembly.
2. The National Assembly or any of its Committees may ask any Federal Minister to give a statement on any subject concerning the duties of the Assembly, and the Minister shall give this statement in accordance with the Rules and Regulations.

## **Article 85**

### **Questioning a Minister**

The National Assembly, in accordance with its regulations, may question any Minister

on any subject concerning the affairs of his Ministry. An opinion shall be taken concerning the results of the questioning at the next session, if a motion of "no confidence" is moved against the Minister. If the motion is adopted this result shall be communicated to the President of the Republic.

#### **Article 86 Powers to Summons Persons before the National Assembly and Powers of Investigation**

The National Assembly or any of its Committees may call any public official or any person to address the National Assembly or a Committee or to give testimony or advice. The National Assembly may investigate any matter within the direct authority of the Federal government after notifying the President of the Republic.

#### **Article 87**

##### **Proposal of Legislation**

1. The President of the Republic, the Council of Ministers, any Minister, any Committee of the National Assembly or any Member of the National Assembly, may initiate a proposal for legislation in the National Assembly.
2. In the proposal is made by a member of the National Assembly it shall not be brought before the National Assembly until it has been referred to the relevant Committee to determine whether concerns an important public interest.

#### **Article 88**

##### **Procedures for the Introduction and Consideration of Legislative Proposals**

1. A proposal for legislation shall be presented to the National Assembly in first reading by its name and it becomes a matter of the National Assembly. It is then presented for a second reading for discussion of its objectives and content, and to be approved in principle. If approved in principle, it shall be presented for a third reading and deliberated upon in detail and with consideration of any proposed amendments. And finally, the proposal shall be presented for a final reading and each article shall be voted on separately and a vote shall be taken on the whole proposal.
2. The Speaker of the National Assembly, after the initial presentation of the proposal, shall refer it to a specialized committee to make a general report on the proposal and this report shall be presented during the second reading of the proposal. Before the third reading, a report shall be presented detailing the amendments passed and rejected by the Committee for deliberation in detail and approval of amendments. The Speaker of the National Assembly by refer the bill to the concerned Committee to submit a report before the final reading for the purpose of facilitating consideration of each section of the proposal and the proposal as a whole.
3. The Speaker of the National Assembly or any concerned Committee may submit a legislative proposal to any specialized body outside the National Assembly, including any interested party, to review and report on the legality and wisdom of the legislation.
4. The National Assembly may, by special procedural resolution, decide upon special procedures, or without referring a proposal to a special committee, decide upon any proposal for legislation presented to it.

## **Article 89**

### **Entry into Force of Legislation**

1. No legislation enters into force unless it has been approved by the National Assembly and signed by the President of the Republic or a month has passed since the law was forwarded to the President and it has not been signed or returned to the National Assembly.
2. If the National Assembly approves a law that is not acceptable to the President of the Republic, the President may decide to return the law to the National Assembly with his revisions. The National Assembly may amend the law in accordance with the President's revisions and again present the law to the President for his signature or the National Assembly may fail to take further action on the proposal.
3. The National Assembly may approve a law that has been returned to it, without amending it as requested by the President, by a two-thirds majority.

## **Article 90**

### **Provisional Decrees**

1. The President of the Republic, with or without the recommendation of the Council of Ministers, may issue temporary decrees having the force of law when that the National Assembly is not in session or in cases of emergency. A decree so issued shall be presented to the National Assembly as soon as it reconvenes. If approved by the National Assembly it becomes a permanent law. If rejected by the National Assembly it is void without any prejudice to its past effects. If approved by the National Assembly with amendments, the amendments will be effective according to article 107(1). The rejection or amendment of a decree is without prejudice to its past effects.
2. The President of the Republic cannot issue a temporary decree in matters effecting fundamental rights and liberties, state-federal relations, public elections, criminal laws or fiscal laws.
3. Any law cancelled or amended by a temporary decree that is not approved by the National Assembly will resume full effect from the date on which the temporary decree becomes void.
4. The National Assembly may delegate the power of approval of international treaties to the President. This power shall be exercised by a temporary decree having the force of law and it is not necessary that it be [immediately] approved by the National Assembly, but it must be placed before the National Assembly as soon as it resumes its sessions.

## **Article 91**

### **Public Budget**

1. The Council of Ministers shall present a draft budget to the National Assembly before the beginning of the financial year. The draft budget shall contain a general evaluation of the state of the economy; detailed estimates concerning the projected revenues and expenditures for the new financial year with comparisons to the previous financial year; statements of how the budget shall be balanced; the amounts of any reserve, transfers or allocations; special

statements of explanation, financial or political information; and descriptions of measures the State will take in financial and economic matters.

2. The Council of Ministers shall present to the National Assembly a legislative proposal containing the total amount of expenditures, taxation, fees or other state revenue in an legislative proposal for an appropriation law; and shall present legislative proposals for borrowing or investment by the State and the issue of federal bonds.
3. The National Assembly shall approve the legislative proposal containing the Public Budget by each chapter and schedule, and vote on the proposal as a whole. Once the Public Budget has become law it is unlawful to exceed the expenditures therein, except pursuant to another law, and it is unlawful for the State to utilize excess revenues through expenditures or to use the reserves that have been established by law, except pursuant to another law.

#### **Article 92**

##### **Limitation on Private Members Proposals Concerning the Budget**

No member of the National Assembly is permitted to present by personal initiative any legislative proposal that amends fixed rates of taxation, fees, public revenue, allocations, financial obligations or public funds, outside the deliberations on the federal budget unless the proposed legislation is restricted to fees on services, fees on financial transactions, fines or fiscal penalties.

#### **Article 93**

##### **Additional and Provisional Financial Measures**

1. Notwithstanding article 90(2), the President of the Republic acting upon a resolution of the Council of Ministers and if the public interest demands, may issue a provisional decree having the effect of law and imposing a tax, fee or amendment to the budget until a proposal for legislation can be presented to the National Assembly. If the legislative proposal is adopted or rejected, this provisional decree shall lapse without retroactive effect.
2. If the legislative proposal containing the federal budget is delayed for any reasons the previous year's budget shall remain in effect with expenditures remaining fixed at the rate of the previous year as if the previous year's budget had been enacted by law in the current financial year and it remains in effect until a new budget is approved by law.
3. In extraordinary circumstances or in circumstances when the public interest demands, the Council of Ministers may present an additional budget proposal, request additional credit or use reserve funds. Such legislative proposals shall be in accordance with the rules and regulations for the federal budget and with existing law.

#### **Article 94**

##### **Final Accounts**

The Council of Ministers shall present to the National Assembly, within six months of the end of the financial year, a full and final account for that year stating the revenues, expenditures, and amount drawn on reserves. The Auditor General shall present his report on the accounting to the National Assembly.

## **Article 95**

### **Delegation of Powers of Subsidiary Legislation**

The National Assembly may delegate the authority to issue any rules, regulations, orders or other subsidiary measures having the effect of law to the President, the Council of Ministers or any other public authority. Such legislation shall be presented to the National Assembly and subject to its approval or amendment by resolution of the National Assembly taken in accordance with its rules regulations.

## **Article 96**

### **Authority of Acts of the National Assembly**

No court or other authority shall interfere with the functioning of the National Assembly or pass judgment on any law or resolution passed by the National Assembly. Questions of procedural shall be decided by a certificate of the National Assembly signed by the Speaker of the National Assembly.

## **Chapter Three**

### **State Legislatures**

## **Article 97**

### **State Assembly**

A State Assembly shall be established in every state with the legislative authority of that state and any other powers as provided by the Constitution.

## **Article 98**

### **Powers of State Assemblies**

1. Each State Council shall have the same powers as the National Assembly taking into account that the character of State Assembly as an organ of a states, that the State Governor shall replace the President, and that the Federal Ministers shall replace State Ministers in respect of their authority:
  - a. Establishment of the State Assembly (article 67).
  - b. Conditions of Membership (article 68(1)), however, a member of the National Assembly or of another State Assembly or a Federal Minister shall not be eligible for nomination to the membership of the State Assembly.
  - c. Lapse of Membership (article 69(1) and (2)).
  - d. Seat of the Assembly (article 20), taking into account that the seat shall be the capital of the respective state.
  - e. Oaths.
  - f. Functions of the Assembly (article 73) except constitutional amendments and the ratification of international agreements and treaties.
  - g. Terms of Office (article 72).
  - h. Immunities of Members (article 74).
  - i. Duration of Sessions (article 75).
  - j. Leadership (article 76).
  - k. Committees (article 77)
  - l. Rules and Regulations (article 78).
  - m. Quorums (article 79).

- n. Publicity of Sittings (article 80).
- o. Resolutions (article 81).
- p. Freedom of Expression in the Assembly (article 82).
- q. Addressing the Assembly (article 83).
- r. Questions and Statements (article 84).
- s. Questioning of Ministers (article 85).
- t. Summons and Investigations (article 86).
- u. Initiation of Legislation (article 87).
- v. Procedures for Presenting Legislative Proposals (article 88).
- w. Entry into Force of Laws (article 89).
- x. Provisional Decrees (article 90).
- y. Legislative Proposals for the Public Budget (article 91).
- z. Special Finance Bills (article 92).
- aa. Provisional and Supplementary Regulations (article 93).
- bb. Final Accounts (article 94).
- cc. Delegation of Authority to Promulgate Subsidiary Legislation (article 95).
- dd. Authority of Legislative Acts (articles 96).

## **Part V Judicial System**

### **Chapter One**

#### **The Judiciary**

##### **Article 99**

##### **Judicial Responsibility**

The judiciary in the Republic of Sudan shall be vested in an independent body called the Judicial Authority. The Judicial Authority shall undertake the administration of justice through the adjudication of disputes and the giving of judgments in accordance with the Constitution and law.

##### **Article 100**

##### **Responsibility of the Judicial Authority**

The Judicial Authority is responsible for the execution of its duties to the President of the Republic.

##### **Article 101**

##### **Independence of Judges**

1. Judges are independent in the performance of their duties and have full judicial authority in their jurisdiction. They may not be influenced in their functioning directly or indirectly.
2. A judge is guided by the rule of the Constitution and law and it shall be his duty to protect these principles by distributing justice without fear or favour.
3. The state shall abide by and implement decisions of the Judicial Authorities.

##### **Article 102**

Administration of the Judicial Authority

1. The Judicial Authority shall have a Chief Justice who shall be the President of the highest federal court and the Supreme Judicial Council. The Chief Justice shall be responsible before the Supreme Judicial Council for the administration of the Judicial Authority.
2. The Judicial Authority shall have a council called the Supreme Judicial Council and its composition and powers shall be determined by law. It shall be responsible for the planning of and the general supervision of the Judicial Authority, presenting recommendations to the President of the Republic on the appointment, promotion and termination of judges, presenting recommendations on the budget of the Judicial Authority and giving opinions on legislation concerning the Judicial Authority.

### **Article 103**

#### **Organization of the Judiciary**

The Judiciary shall consist of the High Court, Court of Appeals and courts of first instance. The law shall organize and division of jurisdiction among these courts and any other matters concerning them.

### **Article 104 Appointment of Judges and Terms of Service**

1. The President of the Republic shall appoint the Chief Justice and his deputies according to the law.
2. The President of the Republic shall appoint all other judges on the recommendation of the Supreme Judicial Council.
3. The law shall stipulate the number of judges, their conditions of service, rules and regulations of discipline and their immunities.
4. No judge shall be dismissed except after a disciplinary process and a recommendation from the Supreme Judicial Council.

### **Article 105**

#### **The Constitutional Court**

1. There shall be established an independent constitutional court, Chief Justice of the Constitutional Court and the members of the Court are appointed by the President of the Republic, with the approval of the National Assembly, from among eminent jurists with substantial experience.
2. The Constitutional Court is the guard of the Constitution. Its jurisdiction is to review and rule in any matter concerning the explanation or execution of the Constitution and it has the following jurisdiction:
  - a. to interpret the Constitution and other legal texts presented to them by the President of the Republic, the National Assembly or half of the State Governors or State Assemblies,
  - b. to decide upon claims by aggrieved persons for the protection of liberties and rights which are guaranteed by the Constitution,
  - c. to decide upon claims concerning conflicts between state and federal authorities over their powers,
  - d. to decide on any other matters that the Constitution or the law brings within its jurisdiction.
3. The law will determine the number of judges of the court, their remuneration and the court procedures.

## **Article 106**

### **Public Legal Advisors and Attorneys**

Legal advisors in public service, including those in the Attorney General's Chambers shall promote the values of fairness and justice, protect public and private property, provide legal opinions and services to the state or its citizens, and perform their duties honestly and with dedication to, and in accordance with, the Constitution and law.

## **Article 107**

### **The Legal Profession**

1. The legal profession shall promote the values of fairness and justice, reconciliation between disputing parties, strive to ensure justice, refrain from wrongdoing, and provide legal assistance to those in need in accordance with the Constitution and law.
2. The rules and regulations of the profession shall be established by law.

## **Part VI**

### **The Federal System**

#### **Chapter One**

#### **The States**

### **Article 108**

#### **States**

The Republic of Sudan shall be divided into states and each state shall have a capital as follows:

- a. Upper Nile State with the capital at Malakal.
- b. Red Sea State with its capital at Port Sudan.
- c. Bahr El Jebel State with its capital at Juba.
- d. Gezira State with its capital at Madani.
- e. Jungoli State with its capital at Boar.
- f. Southern Darfur State with its capital at Nyala.
- g. Southern Kordofan State with its capital at Kadogli.
- h. Khartoum State with its capital at Khartoum.
- i. Sinnar State with its capital at Sinja.
- j. Eastern Equatoria State with its capital at Kapoyta.
- k. North Bahr El Ghazal State with its capital at Aweel.
- l. Northern Darfur State with its capital at Al Fashir.
- m. North Kordofan State with its capital at El Obeid.
- n. Western Equatoria State with its capital at Yambio.
- o. Alshimaliya State with its capital at Dongola.
- p. Western Bahr El Ghazal with its capital at Wau.
- q. Western Darfur with its capital Aljinaina.
- r. Western Kordofan with its capital Al Fula.
- s. Gaddarif State with its capital Gaddarif.
- t. Kassala State with its capital Kassala.
- u. Nahr Al Nile State with its capital at Damer.



- v. White Nile State with its capital at Rabak.
- w. Blue Nile State with its capital at Damazin.
- x. Warap State with its capital Warab.
- y. Unity State with its capital at Bantio.

## **Article 109**

### **State Boundaries**

The boundaries of the state shall be those existing on the day the Constitution comes into force, boundaries between states may be amended by law passed by the National Assembly and signed by the President of the Republic after hearing the views of the respective Governor or State Assembly.

## **Chapter Two**

### **Division of Powers**

#### **Article 110**

##### **Federal Powers**

The federal authorities shall exercise the following powers:

- a. Defense, control of the armed forces, the federal police, the national security, and the popular defense forces.
- b. Control over Sudan's international boundaries and the decisions in resolution of conflicts over state boundaries.
- c. Nationality, passport, immigration and aliens' affairs.
- d. Foreign relations.
- e. The organization of public elections of constitutional institutions, including federal, state and local institutions.
- f. The Judiciary, the Attorney-General's Office and the legal profession.
- g. The general professions according to federal law.
- h. Currency, monetary, financial, credit and investment policies.
- i. Measurements, weights, calendars and time.
- j. Federal taxation, customs and fees.
- k. Foreign trade.
- l. Public projects, corporations and companies.
- m. Land, natural resources, and underground mineral resources.
- n. Waterways.
- o. National electricity.
- p. Federal aviation, highways, sea transport, inter-state commerce and communications.
- q. Epidemics and public calamities.
- r. Antiquities and archaeological sites.

#### **Article 111**

##### **State Powers**

The States shall exercise jurisdiction within their boundaries over the following matters by planning, legislation and administration:

- a. Administration of the State and its proper functioning, including the promotion of the public interest, public security and public order.
- b. State taxation and fees.
- c. State trade, supply, cooperation and industry.
- d. State land and the State's natural and animals.
- e. Utilize state water and electric power.
- f. Maintain roads, transport and communication.
- g. Missionary teaching or other non-profit activities that benefit the community.
- h. Registration of births, death and marriages.
- i. Questions of law that are particular to the state, including custom and its codification.

## **Article 112**

### **Concurrent Powers**

1. The federal government shall exercise its power over the whole of the Sudan, and the states' governments shall exercise the powers granted them by federal law, and both shall exercise power over:
  - a. Civil Service.
  - b. Public Legal Advisors and Attorneys.
  - c. Organizing Interstate Information, Culture and Publishing.
  - d. Local Government.
  - e. Media, Culture and Publication.
  - f. Education and Scientific Research.
  - g. Health.
  - h. Social Welfare.
  - i. Economic Policies.
  - j. Cooperation.
  - k. Industry.
  - l. Quarries.
  - m. Border Trade.
  - n. Urban Planning and Population Policy.
  - o. Surveys
  - p. Censuses.
  - q. Environment.
  - r. Tourism.
  - s. Meteorology.
2. Councils shall be established by state and federal law to divide, plan and maintain inter-state forests.
3. Any powers not allocated to the federal or state authorities shall be their common responsibility.

## **Chapter Three**

### **Division of Financial Resources**

#### **Article 113**

##### **Federal Financial Resources**

Federal revenues are as follows:

- a. Customs duties, and sea and air port revenues.
- b. Taxes on companies' profits, personal income tax, and stamp duties on documents concerning federal and interstate procedures.
- c. Profits from national projects, provided that a percentage thereof shall be allocated to the state(s) involved.
- d. Taxes on the products of federal industries
- e. Taxes collected from Sudanese working abroad, corporate taxes and taxes on foreign activities.
- f. Taxes or fees not effecting the resources of states or local communities.
- g. Donations, loans or financial facilities.

#### **Article 114**

##### **State Financial Resources**

The states shall have the following revenues:

- a. A share of taxes on business profits, as determined by law, which must be allocated to the Local Councils.
- b. A share of taxes on state industrial production.
- c. Revenue from state licenses.
- d. State taxes and duties.
- e. Profits from state projects.
- f. Donations, loans and credit facilities.

#### **Article 115**

##### **Local Councils Financial Resources**

The Local Councils shall have the following revenues:

- a. Real Estate taxes.
- b. Sales taxes.
- c. Agriculture and animal production taxes, with the percentage determined by federal law being allocated to the state.
- d. Fees for local land and water transport.
- e. Excise duties form local industrial and handcraft production.
- f. Any other revenue generated locally.

### **Chapter IV**

#### **Federal Relations and the Federal Government Authority**

##### **Article 116**

##### **Federal Government Authority**

1. A Federal Government Authority shall be formed under the supervision of the President of the Republic with the responsibility for coordination, communication and supervision of relations between the state governments and the federal government, including the relations between the State Governors and the President of the Republic and other organs of federal government.
2. A fund shall be established, under the supervision of the Federal Government Authority, to which the federal government and able state governments shall contribute to assist needy states as determined by criteria fairness, taking into

account the number of population and the level of development and in accordance with law.

#### **Article 117**

##### **Limits on State Authority**

No State shall exercise authority over any of the following without the permission of the federal government:

- a. Federal constitutional institutions and their personnel.
- b. Federal ministries, administrators, corporations, commissions, public companies or federal projects and their employees.
- c. Federal land, properties and utilities.

#### **Article 118**

##### **Prohibition of Interference with Interstate Commerce**

States may not take measures that may interfere with the interstate transportation or movement of persons, goods, communications services, or impose any tariff on them but by permission of the federal government.

#### **Article 119**

##### **Requests for Information from States**

The states shall provide the federal government with statements and information when requested for enabling the setting of federal policies and planning.

#### **Article 120**

##### **Requests to Defer Legislation**

The National Assembly or any State Assemblies may each request a legislative authority to defer adoption of any legislative proposal until the requesting body has given its opinion on the legislative proposal, if the legislation would have a national impact or a special effect on the requesting State.

#### **Article 121**

##### **Exchange of Legislative Proposals**

The National Assembly and State Assemblies shall provide copies of all legislative proposal to each other.

#### **Article 122**

##### **Peoples' Armed Forces**

1. The Peoples' Armed Forces are a national, military armed force. Its duty is to defend the country, preserve safety, participate in development and in guarding the national interest and cultural, and the constitutional order.
2. The organization of the Peoples' Armed Forces and reserve forces, including conditions of service and emolument of members shall be determined by law.
3. The organization, constitution, jurisdiction, powers and procedures of military courts and military legal services shall be established by law.

## **Article 123**

### **Police**

1. The Police shall be a national force severing the country and its people by combating crime, protecting property, assisting in times of natural disaster, and maintaining public morals and public order.
2. The Police shall be organized nationally by the federal government, and the federal government shall be responsible for their planning, preparation, and training and their supervision. Each state shall supervise the Police belonging to the state. In cases of national emergency, the federal government shall be responsible for all the police forces.
3. The organization, jurisdiction, conditions of service and the relations between the federal and state police shall be determined by law.

## **Article 124**

### **Security Forces**

1. The Security Forces are regular national forces. The main function of the Security Forces is to main peace in Sudan, both internally and externally; to monitor situations of potential danger to the security of Sudan and other relevant situations; to evaluate the significance of dangers to the peace of Sudan; and to recommend measures that are necessary to protect Sudan against such dangers.
2. The law determines the rights, responsibilities, conditions of service and establishment of the Security Forces.

## **Article 125**

### **Popular Defense Force**

1. The Republic of Sudan may establish a volunteer Popular Defense Force from among the Sudanese people for national defense, to maintain national security, or to assist any regular forces. The Popular Defense Force shall be under the command of the National Armed Forces or the Police and shall promote defense, security and other general purposes.
2. The law shall determine organization, duties and supervision over the Popular Defense Forces.

## **Chapter Five**

### **Civil Service**

## **Article 126**

### **Civil Service**

1. The civil service consists of all government employees and is responsible for the administration for the country.
2. The civil service shall be open to all based on qualifications relevant to the function, and based on proportionate national representation.

3. The rights and responsibilities of civil servants and their conditions of service shall be determined by law.

#### **Article 127**

##### **Civil Service Complaints Chamber**

1. Civil Service Complaints Chambers shall be established by federal or state law to address the grievances of civil servants. The functions of the Chambers shall be determined by law. The Chambers shall be responsible to the President of the Republic or the governor of the state, depending on whether they are state or federal.
2. The President of the federal Chamber is appointed by the President of the Republic and by the State Governor in the state chambers, and the President of the Republic and the State Governors shall supervise the respective Chambers.
3. Decisions of a Civil Service Complaints Chamber shall be final and binding and not subject to review by any Court.

#### **Chapter Three**

##### **Election Commission**

#### **Article 128**

##### **Election Commission**

1. An Election Commission shall be established as an independent authority. The President of the Republic of Sudan, with the agreement of the National Assembly, shall appoint the president and members who will serve on the Electoral Commission based on organizing a referendum. The President and members shall be individuals of high moral standing, qualifications and impartiality and they shall be responsible to the President of the Republic and the National Assembly.
2. The functions of the Election Commission shall be:
  - A. To prepare and check the election register annually.
  - B. To organize federal, state and local elections according to law.
  - C. To organize general referendums in accordance with the Constitution.
  - D. To undertake any other tasks determined by law or ordered by the President of the Republic.
3. The powers, procedures and conditions of service of members of the Election Commission shall be determined by law.
4. The law shall determine the rules and procedures governing elections and the electoral register.

#### **Chapter Four**

##### **The Auditor General**

#### **Article 129**

##### **Office of the Auditor General**

1. The Office of Auditor General shall be created as an independent body. The Auditor General and the other members are named by the President of the Republic with the approval of the National Assembly. The Board of Directors of the Office of the Auditor General is responsible to the President of the Republic and the National Assembly.
2. The Office of the Auditor General audits all the accounts of the federal government, the National Assembly, the Judicial Authority, and all public institutions, corporations and public companies.
3. The President of the Republic may order the Auditor General to audit the accounts of any federal or state government institution or any other public or private body.
4. The powers, procedures and conditions of service of the members of the Office of Auditor General shall be determined by law.

## **Chapter Five**

### **The National Ombudsman**

#### **Article 130**

##### **The Ombudsman**

1. The Office of the Ombudsman shall be established. The President of the Republic, with the agreement of the National Assembly, shall appoint the members of the Office of the National Ombudsman from among person of high integrity and honour. The Ombudsman and other members of his office are responsible to the President and the National Assembly.
2. Without prejudice to the functioning of the Judicial Authority, the Office of the Ombudsman shall act to ensure address grievances, promote administrative efficiency and fairness, supervise the implementation of administrative decisions, and ensure justice is done after the decisions of the Judicial Authority. The Ombudsman shall strive to ensure justice within all levels of public administration in Sudan, act against injustice in state or federal administrative decisions or in the final judgments of the Judicial Authority or any other state institution. The Ombudsman shall act in an efficient, fair and justice manner.
3. The Ombudsman shall cooperate with other national institutions and provide reports and advise to the President, the National Assembly, or other public institutions.
4. The powers, procedures and conditions of service of members of the Office of the Ombudsman shall be determined by law. An Ombudsman shall be established in each state by law and shall function in accordance with state law.

## **Section One**

### **State of Emergency**

#### **Article 131**

##### **Declaration of a State of Emergency**

1. Whenever there is a event that poses a threat to the state or any part of it, whether by war, invasion, siege, catastrophe or epidemic, or any other event threatening the public safety or the economy, the President of the Republic may declare a state of emergency throughout the country or in any part of it in accordance with the Constitution and the law.
2. A declaration of a state of emergency shall be presented to the National Assembly within fifteen days of its date of issue and if the National Assembly is not in session it shall be called for an extraordinary session to consider the declaration.
3. If the National Assembly approves the declaration of the state of emergency any law or exceptional order constituting a part of the declaration shall remain in force.

#### **Article 132**

##### **Exceptional Powers of the President of the Republic**

1. The President of the Republic may take any of the following measures by law or exceptional order, during a state of emergency:
  - a. Suspend some or all of the provisions in the Chapter on individual rights and liberties, except the following: the prohibition of torture, the prohibition of slavery, the prohibition of discrimination based on race, sex or religion, freedom of thought, the right of access to a court, the presumption of innocence, or the right to defense.
  - b. Suspend the laws or powers of states according to the Constitution and vest in himself the powers and authorities provided for by these laws and the practice of these powers or decide the manner in which the affairs of a concerned state shall be administered.
  - c. Issue any measures, which shall have the force of law, that is necessary to deal with the state of emergency.

#### **Article 133**

##### **Prerogatives of the National Assembly**

1. The National Assembly may agree to extend a state of emergency.
2. The President of the Republic shall submit all exceptional measures taken during a state of emergency to the National Assembly. The National Assembly that may amend, approve or cancel them.

#### **Article 134**

##### **Expiry of the State of Emergency**

A declaration of state of emergency shall expire in any of the following cases:

- a. Thirty days from the date of issue if not approved by the National Assembly.
- b. At the end of a period of time decided upon by the National Assembly.
- c. By the issuance of the another declaration by the President of the Republic or a resolution by the National Assembly lifting the state of emergency.

### **Chapter Three**

#### **Declaration of War**



## **Article 135**

### **Declaration of War**

1. The President of the Republic shall have the authority to declare war when he decides that the country is threatened by external aggression and this declaration has legal force when it is approved by the National Assembly.
2. The President of the Republic has the authority to dispatch the regular armed forces to any foreign country when he has decided that such deployment is in the interest of the country or necessary to a national interest.

## **Part IX**

### **Transitional and General Articles**

#### **Article 136**

##### **Rules Governing Constitutional Authorities**

This law governs the salaries, emoluments, privileges and remuneration of the President of the Republic, the Vice-Presidents, all presidential advisors, the Speaker of the National Assembly, members of the National Assembly, State Governors, all federal and state government ministers and advisors, members of State Assemblies, and other holders of posts created by the constitution.

#### **Article 137**

##### **Repeal and Savings**

1. On the day that the Constitution enters into force all Constitutional Decrees shall be repealed.
2. Notwithstanding this article, Constitutional Decree Number 14 (Implementation of the Peace Agreement of 21 April 1997) shall continue in force until the end of the transitional period stipulated therein.

#### **Article 138**

##### **Entry Into Force of Constitutional Obligations**

The Constitution enters into force after the people of the Republic of Sudan approve it through a referendum on the date that the President of the Republic signs it.

#### **Article 139**

##### **Amendment of the Constitution**

1. The President of the Republic of Sudan or one-third of the members of the National Assembly or State Councils shall have the right to propose amendments to the Constitution.
2. An amendment must be approved by a two-thirds majority of the members of the National Assembly.
3. An amendment as stipulated in paragraph 2 will not enter into force if it amends the procedural rules or is contrary to the basic principles set out below unless it has been approved by a majority of the people of Sudan in a referendum held in accordance with the procedures stipulated by the Electoral

Commission and the amendment is signed by the President of the Republic after it has been approved by the referendum. The principles are:

- a. Sharia, then consensus of the people expressed through a referendum, the Constitution and custom are the sources of law.
- b. All individuals have freedom of conscience and religion and all citizens have the freedom of expression and to organize political succession in accordance with the Constitution;
- c. Sudan is governed by a federal unitary government and the authority and financial resources are apportioned between the federal government and the states. The states have the independence to use their financial resources in accordance with the Constitution.
- d. Sudan has a Presidential system of government, whereby the President is elected to represent and lead the country, is the head of the executive, and shares in the lawmaking authority.
- e. The legislative authority is vested in an elected National Assembly or State Assemblies in their respective competencies, and which the President of the Republic and the State Governors shall participate, respectively, in their respective areas of competence and through general referendums held in accordance with the Constitution or law.
- f. The judiciary functions with independence to resolve disputes and it may decide upon disputes concerning the constitutionality of laws that effect the balance of powers between state and federal government or the basic rights and freedoms of individuals.
- g. South Sudan is governed by a transitional government that shall strive towards union and coordinate the exercise and termination of the right to self-determination.

#### **Article 140**

##### **Continuity of Constitutional Offices and Institutions**

1. The President of the Republic shall continue in office to fulfil all his responsibilities and with all his authority at the time of the entry into force of this Constitution. His term shall terminate within a period of five years at which time a new President shall be sworn in accordance with the provisions of the Constitution.
2. The National Assembly shall continue to fulfill its responsibilities and retain its authority until the termination of its present term of four years and thereafter it shall be replaced by a new National Assembly in accordance with the provisions of the Constitution.
3. The State Governors shall continue in office to fulfil all their responsibilities and with all their authority for the term of four years after which new governors shall be elected in accordance with the provisions of the Constitution.
4. All the State Assemblies shall continue to fulfill their responsibilities and retain their authority until the termination of their present terms or until the President so decides, thereafter they shall be replaced by new State Assemblies in accordance with the provisions of the Constitution.
5. All constitutional organizations shall continue to fulfill their responsibilities and retain their authority, as shall all other government officials who hold positions in these bodies, until action is taken in accordance with the Constitution.

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*This translation has been prepared by Curtis Francis Doebbler. Use has been made of several draft translations. This translation is not an official translation, but much care has been taken to translate the meanings of Arabic terms to maintain the intention of the drafters. The translator has followed the drafting of the constitution through the initial National Constitutional Drafting Committee--to which he was an ad hoc advisor on human rights, through the debates of the National Assembly and the public debate that took place at that time, and through the process of preparation of the referendum. If you detect problems with the translation or have comments please e-mail **Curtis Doebbler at [suharc@hotmail.com](mailto:suharc@hotmail.com)***

