Eighth Session
Criminal Procedure Code (Amendment) of 2009

Pursuant to the provisions of the Transitional Constitution of the Republic of the Sudan for the year 2005, the National Assembly the President of the Republic approved and signed the following law:

Name of the law and its commencement

1. This law is called the "Code of Criminal Procedure (Amendment) of 2009" and shall come into force on the date of its signature.

Amendment

2. The Code of Criminal Procedures for the year 1991, shall be amended according to the followings:

(First) Article 3:
(A) To re-number the article to be 3 (A)
(B) The following two new items shall be added to the Code and follow Item (1) in sequence:
(2) Notwithstanding the generality of the provision of paragraph (1), no criminal proceedings nor investigations or trials shall be initiated against any Sudanese who is accused of committing any act or rejection that is deemed against the provisions of the International Humanitarian Law, including crimes against humanity, genocide and war crimes, except in front of the Sudan Police, the Public Prosecution or the Sudanese judiciary.
(3) Notwithstanding any provisions of any other laws, no government authority at any level of the government or any person shall aid or support any party in any form to extradite any Sudanese to be tried abroad for incriminating him for committing any crime in violation of international humanitarian law including crimes against humanity, genocide or war crimes.

(Second) Article 4:
(A) Item number (I) to be delated and replaced by the following new item:
(I) It is permissible to reach a settlement or grant the right of amnesty on any crime that involves a private right, to the extent of that right.”
(B) Item (Z) to be deleted and replaced by the following new item:
(Y): it is acceptable to use either English Language or Arabic language or any other national language in all criminal procedures.

(Third) on the face of Article 5:
(A) The phrase “Public Administrator” shall be rejected along with its equivalent interpretation and replaced by the followings:
“The Administrator” means any person who is in charge of Public or local or national specialized administration as the case may be.
(B) In the following equivalent interpretation of the “Public Persecution” and the “Public Persecutor” the following phrase shall be added “or The Ministry of Legal Affairs and Constitutional development of Southern Sudan” after the phrase “Ministry of Justice”.

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(Fourth) Article 6:
(A) To re-number the Article to be Article 6 (A).
(B) On item (1) following the phrase “Criminal Courts” the phase National shall be added.
(C) After item (1) the following new item (2) shall be added:
   (2) The Criminal Courts of Southern Sudan as dictated by Article 132 of the Transitional Constitution of the Republic of Sudan for the year 2005.”

(Fifth) Article 17:
In item (D) following the phrase “President of the Judiciary” the following phrase shall be added “or the President of the Judiciary of Southern Sudan as the case may be.”

(Sixth) Article 15:
(A) Following the phrase “President of the Judiciary” the following phrase “or the President of the Judiciary of Southern Sudan as the case may be.” Shall be added.
(B) At the end of the item the following phrase shall be added “or any other private law with the judiciary of Southern Sudan.”

(Seventh) Article 15:
(A) On item (1) the phrase “on the national level and the Northern States” following the phrase “The Criminal Persecution if form by/of” shall be added.
(B) Following item (2) the following new item shall be added (3)
   (3) “The criminal persecution of South Sudan shall be formed as dictated by the private law of the Ministry of Legal Affairs and Constitutional Development of South Sudan.”

(Eighth) Article 18:
On the two items (1) and (2) after the phrase “Minister of Justice” the following phrase shall be added “or the Minister of Legal Affairs and Constitutional Development of Southern Sudan as the case may be.”

(Ninth) Article 20:
The phrase “or the Minister of Legal Affairs and Constitutional Development of Southern Sudan as the case may be.” Shall be added after the phrase “Minister of Justice”

(Tenth) Article 22:
The phrase “Police Forces Act for the year 1999” shall be deleted and replaced by “Code of the Sudan Police for the year 2007”

(Eleventh) Article 23:
On item (1) following the phrase “Minister of Interior” the phrase “or the Minister of Interior Affairs of Southern Sudan as the case may be and following deliberations with the President of the Judiciary or The President of the Judiciary of Southern Sudan as the case may be.” Shall be added.
(Twelfth) Articles 37(D), 55(3), 58(1) and (3):
Following the phrase “Minister of Interior” the phrase “or the Minister of Interior Affairs of Southern Sudan as the case may be and following deliberations with the President of the Judiciary or The President of the Judiciary of Southern Sudan as the case may be.” Shall be added.

(Thirteenth) Articles 76:
At the beginning of this Article, the following shall be added: “without prejudice to the exclusive authorities of the government of Southern Sudan.”

(Fourteenth) Articles 103:
The title of the Article shall be emended by adding the word “Dangerous” to the end of the title and to the end of item (1) of the same.

(Fifteenth) Articles 124:
The phrase “General Peace” following the phrase “breach of the peace” shall be omitted and replaced by the phrase “General Peace and Tranquility”.

(Sixteenth) Articles 127:
Article 127 to be omitted and replaced by the following new item:
128 – It is permissible for any Wali / Governor / Commissioner / or Mayor within his/her jurisdictions and after liaising with the Public Persecutor or the authorized Judge to issue an order to prohibit, restrict or organize any meetings, gatherings or processions on the public roads and streets or in public places which may lead to disturbance of peace and the public tranquility.

(Seventeenth) Articles 135:
To omit item (3) and be replaced by the following new item:
(3). "If the accused is of an older age and found guilty of an offense punishable by imprisonment for seven years or more or by imputation or death, the Minister of Justice or the Minister of Legal Affairs and Constitutional Development of Southern Sudan, as the case may be, shall be exempt from payment and the State or the Government of Southern Sudan shall bear all expenses."

(Eighteenth) Articles 165:
At the end of the article the phrase “or the President of the Judiciary of Southern Sudan” shall be added as the case may be.

(Nineteenth) Article 18, 182, 188 and 192:
Following the phrase “The Supreme Court” the following phrase shall be added “or the Supreme Court of Southern Sudan” as the case may be.

(Twentieth) Article 193:
(A) in item (1) following the phrase “President of the Judiciary” the following phrase shall be added “or the President of the Judiciary of Southern Sudan” and to add the word
“National” after the word “Court” and the phrase “The Supreme Court of Southern Sudan as the case may be” after the word “Supreme”.

(B) In item (2) following the phrase “President of the Judiciary” the phrase “or the President of the judiciary of Southern Sudan as the case may be” shall be added.

(Twenty First)
Wherever the phrase “National Administrator” appear on this Act, it should be replaced by the word “Administrator”.

(Twenty Second)
Wherever the phrase “Supreme Court” appear on this Act, the word “National” should appear after the word “Court”.

Testimony

I hereby testify that the National Council has authorized the "Code of Criminal Procedure (Amendment)" for the year 2009 in its meeting No. ( ) of the Eighth session on the first day of the month of Moharam, 1430H corresponding to May 2009, the joint standing committee of the two councils has also decided on its meeting number ( ) dated 1430H, corresponding to 2009 that this code does not affect the interests of the states.

Ahmed Ibraheem Al Tahir
Chairman of the National Council
Head of the Joint Standing Committee of the Councils

I agree:
Field Marshal:

Omer Hassan Ahmed Al Basheer
President of the Republic

Date: 1430H
Corresponding to: 2009