

*The Joint Integrated Units Bill 2005*

Annex 19

In the Name of Allah, the Gracious The Merciful

**Explanatory Note**

**The Join /Integrated Units Bill 2005**

The Comprehensive Peace Agreement was signed between the Government of Sudan and the Sudan Peoples' Liberation Army on the 9<sup>th</sup> of January 2005. Chapter VI thereof, provides for the Security Arrangements. The most important of which is the Joint / Integrated Units with many details. The Interim National Constitution of the Republic of the Sudan 2005 has embodied the provisions of the Agreement pertaining to the Joint / Integrated Units, the same has been provided for under Art. 144(4), ie, that the law shall regulate the Joint / Integrated Units, the constitution thereof is under Art 145, sub-article (2) emphasizes that C.P.A shall govern the nature , functions size and deployment of the Joint Integrated Units. Article 146 provides for the leadership and command of the Joint \ Integrated Units and the co-ordination with the Armed Forces . Based one the issues here in before mentioned, it is hereby considered to enact an Act for the Joint Integrated units, and below are the main features thereof :-

- (a) Chapter I provides for the preliminary provisions. Section 1 provides for the title and commencement, and section 2 provides for the interpretation of phrases and words used in the law , the most important of which is "service in the operation area" which means the service performed by any of the employees of the Units or it's affiliates at any time when such forces are conducting war operations in or outside the country , or the direct movement to the area of war operations or the service in an area, regarding which a decision is taken to consider it as operation area. The phrase "Southern Sudan" has been interpreted to mean the geographical region assigned to Southern Sudan according to the boundaries of 1\1\1956. Section 3 provides that this Act shall apply to the organs and individuals employed by the Units and any other forces which act with the Joint Units in military operations or subjected thereto by any other law. Section 4 provides for the subjection of the other regular forces to the provisions of this Act in the state of Emergency.
- (b) Chapter II deals with the issues relating to the constitution, objectives, functions, size and deployment of the Joint Integrated Units .

- (c) Chapter III regulates the conditions of Joinder of the Units, the military ranks of the officers and the other ranks and those of soldiers under section 9,10,11,and 12 .
- (d) Chapter IV deals with the joint principle, emblem and uniform, section 13 hereof , provides that the Units shall act according to a joint principle based on loyalty to God and the home land, with the view of protection of the Constitution and defense of the sovereignty of the country, its people and integrity. Section 14 provides for the oath which every individual charged by Armed Forces and the Peoples' Army to perform. Section 15 provides that the joint/ Integrated Units shall have an emblem, military uniform and military identity card, as may be prescribed by the regulations.
- (e) Chapter V is devoted to the provisions relating to the Joint Defence Council and the Technical Committee. By virtue of Section 16 there shall be established the Joint Defence Council with the assent of the Presidency of the Republic, to be composed of a Chairperson and deputies of command administration of both Armed Forces and Peoples Army and eight of the senior officers of Armed Forces and Peoples Army. Section 17 provides that the Joint Defence Council, shall be subordinate to the Presidency of the Republic. Section 18 provides that chairmanship of the Council shall be vested equally by rotation between the Armed Forces and the Peoples Army, throughout the period of functioning of the Joint Integrated Units, The Regulations shall specify the chairmanship and duration thereof, subject to the provisions of the Agreement. Section 19, 20 and 21 provide for the functions and seat of the Joint Defence Council and the Technical Committee, and the Council shall compose a Technical Committee of the senior officers of Armed Forces and Peoples' Army on equal ratios, it shall perform its function according to the law and the agreement. It shall submit its reports to the Council in relation to its functions regarding the relations between the forces.
- (f) Chapter VI is devoted to the leadership of the Units in regard to their control and leadership as the Joint Integrated Units perform their objectives and functions according to the principles, guidelines, regulations and orders made by the Joint Defence Council subject to the Constitution, the Agreement and this Act, also there are some sections stipulated to regulate the leader of the Units and functions thereof the most important is to take the leadership of the Joint/ Integrated units, its supply, and administration and sentiments during the time of peace and war, subject to the provisions and powers herein provided for. Functions, vacancy of Deputy has also been provided for.

- (g) Chapter VII provides for the Administrative Affairs, section 29 provides for the financial of affairs, and affirms that the regulations applicable to the Armed Forces in the financial and administrative affairs and supply shall be applied on the Units. The Financial and Accounting Procedure Regulation. 1995 shall govern the financial affairs through the financial Offices. Section 30 provides for the financial appropriations which shall be assumed by the Presidency of the Republic to spend on the Units. The Regulations shall specify the salaries and emoluments of the Leader of the Units his Deputy officer commissioned officers and soldiers. Section 31, provides for the provisions relating to promotions. Section 32, provides for the manner of termination of service.
- (h) Chapter VIII is left to the military Justice issues, such as the business of the military justice, legal affairs and courts, under section 33, there shall be established in the Units an independent administration for the military justice, which shall assume all the legal and judicial work of the Units, as magistrates in the military courts and military prosecution before these courts and represent the Units and its individuals defendants before civil courts, and issue binding legal opinions and take judicial confessions and admissions of the persons who are subject to the Act, and draft contract, transactions and agreement and any other functions of legal nature. This Administration shall be subordinate the Joint Defence council, and the general rules of military command it's officers shall not be referred to military courts or investigation save by a decision of the council on the recommendation of the leader , under section 34, the military courts are competent to try all the charges and contraventions directed to the individuals of the Joint units.
- (j) Chapter IX, which is the last, details the general provisions. Section 35 provides for the application of laws and other regulations in force applicable to Armed Forces and Peoples Army pending the enactment of the special laws of the Units or the deployment.

**Hence the accompanying Bill**

**Presidency of the  
Republic.**

**In the Name of Allah, the Gracious the Merciful  
The Joint/ Integrated Units Bill 2005**

## **The Joint/ Integrated Units Bill 2005**

In exercise of the provisions of the Interim National Constitution of Sudan 2005, the National Assembly hereby approves, and The President of the Republic , hereby signs as follows:-

### **Chapter I** **Preliminary provisions** **Title and Commencement**

1. This Act, may be cited as the (Joint/ Integrated Units Act 2005), and shall come into force as from the date of signature

### **Interpretation**

2. (1) In this Act, unless the context otherwise requires:
  - "Units" means the Joint integrated Units constituted by virtue of section 5 hereof.
  - "Armed Forces" means the Sudanese Armed Forces constituted by virtue of the provisions of the Peoples Armed Forces Act 1986.
  - "The Act" means the Peoples Armed Forces Act 1986 or any other law applicable to such forces.
  - "Peoples Army" means the Forces of the Sudan Peoples' Liberation Army.
  - "The Council" means the Joint Defence Council established by virtue of the provisions of section 16.
  - "Leader of the Units" means the officer appointed to command the Units, by virtue of the provisions of section 23(a) .
  - "Deputy leader of the Units" means the officer appointed by virtue of the provisions of section 23(a).
  - " Committee" means the Technical Committee established under the provisions of section 21.
  - "Constitution" means the Interim Constitution of the Republic of the Sudan 2005.

- "Agreement" means the Comprehensive Peace Agreement signed between the Government of Sudan and the Sudan Peoples Liberation \ Movement \ Sudan Peoples Liberation Army. in Nairobi on the 9th of January 2005.
- "Operation Areas" means the areas where the Joint/ Integrated Units are deployed in accordance with the provisions of this Act and detailed by the Agreement.
- "Force" means any of the designated force, of the Units within which such force operates and deployed.
- "Leader" means the officer or commissioned officer, charged to perform the business of the leader in any of the forces or any of the units.
- "Time of Emergency" means the period specified in the decision, whereby the state of emergency is declared by the President of the Republic or any person, so delegated.
- "Officer" means any person so appointed to work in the units by virtue of section 9 .
- "Commissioned officer" means any person, so recruited to work in the Units, whose rank is lance corporal to warrant officer.
- "Private" means any person so recruited to work in the Units, whose rank is a soldier by virtue of section 10 .
- "Soldier" means the officer and other ranks.
- "Other ranks" means the commissioned officer and soldier.
- "Person" means who ever may be subject to the provisions of this Act otherwise than the individuals.
- "Operations Sites, Service" means the service performed by the individuals employed by the forces or any of the affiliated units at any time where such force are:
- (a) in war operations or outside the country.
  - (b) in the course of direct movement towards the war operations area.
  - (c) in the service within an areas, in relation to which a decision is taken declaring it as war area.
  - (d) in any other cases regarding which a decision is taken by the Council.



"Southern Sudan" means the geographical region, determined to be Southern Sudan according to the boundaries of 1st January 1956.

"Other Organized Forces" means the Police Forces, National Security and any other forces a decision for establishment thereof is taken.

- (2) Subject to the provisions of sub-section (1) any phrase or word, that have not been interpreted herein, shall have the same meaning assigned thereto by The Interim National Constitution, The Comprehensive Peace Agreement. or the laws applicable to the Armed Forces and the Peoples Army.

### **Application**

3. This Act shall apply to:
- (a) organs, individuals, and persons working in the Units.
  - (b) any other forces working with the Units in military operations or subjected thereto by virtue of any other law.

### **Subjection of other Organized Forces**

4. (1) There shall be subjected to the provisions of this Act, all the organized forces present in the area where the state of emergency is declared.
- (2) The President of the Republic may integrate other organized forces or any part thereof with the Units present at the area where the state of emergency is declared .

## **Chapter II**

### **Joint \ Integrated Units**

#### **The Units**

- 5.(1) There shall be constituted, military organized forces to be entitled "The Joint/ Integrated Units" of equal number of individuals of the Armed Forces and the Peoples Army.
- (2) This Act, shall determine the objectives, functions, administration of the Units, the way of its performance and the time frame of integration thereof.

### **Objectives of the Units**

6. The Units shall endeavor to achieve the following objectives:
- (a) to be a symbol of the national unity during the interim period.

- (b) to preserve the constitutional and democratic system and respect the supremacy of rule of law, civil rule, human rights and the will of the people.
- (c) to undertake the responsibility of the defense of Sudan and its sovereignty against internal and external threats with the Armed Forces and the Peoples Army.
- (d) assist in the development of their area of deployment with the view of achieving the support of social peace.

### **Function of the Joint Units**

7. the Units shall have the following functions, and competences:
- (a) to secure the safety of the territories and boundaries of the Sudan, in the areas where they are deployed and participate in their development, side by side with the Armed Forces and Peoples Army.
  - (b) to participate in the confrontation of the instances of the state of emergency provided for by the Constitution.
  - (c) to assist the civil authorities in the non-military functions.
  - (d) to assist in the confrontation of the catastrophic events and emergencies.
  - (e) any other functions so charged to it by the Joint Defense Council.

### **Size and Deployment of Units**

8. (1) Size and deployment of the Units, shall be equal in numbers between the Armed Forces and the Peoples Army, as follows:
- (a) Southern Sudan (twenty four thousand Soldiers).
  - (b) Nuba Mountains (Six thousand soldiers)
  - (c) Southern Blue Nile (Six thousand soldiers).
  - (d) Khartoum (three thousand soldiers)
  - (e) Abeyie (Five hundred soldiers).
- (2) The Units shall be deployed according to their sizes pursuant to the Agreement.

## **Chapter III**

### **Conditions of joining the units and Military Ranks**

#### **Conditions of Joining the officers to the Units**

9. The officer who may be eligible to join the Units shall be:
- (a) Sudanese national, by birth.
  - (b) of the employed in the service of the Armed Forces or the Peoples Army in the rank of officer.
  - (c) medically and physically fit for the military service.
  - (d) not less than 20 years of age.



- (e) not have been previously convicted in a crime involving honour and honesty.
- (f) of good skills of reading and writing.

### **Joining of Other Ranks**

10. whoever shall be joined to the service of the Units of the other ranks shall be:
- (a) sudanese national by birth.
  - (b) of the employed by the Armed Forces or the Peoples Army, in the rank of officer or soldier.
  - (c) medically and physically fit for the military service.
  - (d) not less than 18years of age.
  - (e) not have been previously convicted in a crime involving honor and honesty.

### **Ranks of Officers**

11. The military ranks of officers in the Units, shall be as follows, and according to the following order:
- (a) First Lieutenant – General.
  - (b) Lieutenant – General.
  - (c) Major- General.
  - (d) Brigadier.
  - (e) Colonel.
  - (f) Lieutenant- Colonel
  - (g) Maior.
  - (h) Captain
  - (i) First lieutenant
  - (j) Lieutenant

### **The Other Ranks**

12. The other ranks of the Units shall be as follows, and according to the following order:
- (a) warrant officer.
  - (b) Sergeant- major.
  - (c) Sergeant.
  - (d) Corporal.
  - (e) Lance Corporal.
  - (f) Private.

**Chapter IV**  
**Principle, Oath, Emblem and Uniform**

**Joint Principle**

13. The Units, shall act in accordance with a joint principle based on allegiance to God and homeland for the protection of the Constitution, and defense of the Sudan, its people and unity.

**Allegiance Oath**

14. Every individual whether from the Armed Forces or the Peoples Army who is charged to work in the Units shall take a solemn affirmation according to his belief, that he shall be loyal, throughout the period of performance of his duties to the Sudan and the Constitution according to the following text :
- " I, ..... swear by Almighty God, or Solemnly affirm that, I shall be loyal fully to Allah, and the homeland, and to serve its people, and protect the Constitution and perform my duty truly and unbiased, and obey the chief commander in executing the duties charge to me on land Sea and Air according to the law or any other law, and God to what I say is witness.

**Emblem , Uniform and Identity Card**

15. The Units shall have an emblem , military uniform and military identity card , to be determined by the Regulations .

Chapter V

**The Joint Defense Council and the Technical Committee**  
**Establishment and constitution of the Council**

16. The Presidency of the Republic shall establish a council to be entitled "The Joint Defense Council" which shall be constituted of:-
- (a) the two chiefs of staff of the Armed Forces and Peoples Army .
  - (b) deputy chief of staff of the Armed Forces and Peoples Army .
  - (c) leader of the Units .
  - (d) deputy leader of Units .
  - (e) eight of the senior officers of the Armed Forces and Peoples Army appointed equally from the Armed Forces and the Peoples Army .

**Annex**  
*The Joint Integrated Units Bill 2005*

**Subordination and Supervision of the  
Council and the Units**

17. The Council and the Units shall be subordinate and under the supervision of the Presidency of the Republic .

**Chairmanship of the Council**

- 18.(1) Chairmanship of the Council shall be divided equally in terms of rotation between the Armed Forces and the People's Army through-out the period of work of the Units .
- (2) In case of the absence or death of the chairperson , the forces to which that chairperson belongs , shall appoint an alternate , provided that an officer whose rank is the highest in such forces , shall assume the function of the chair person , pending the appointment of the new chairperson .
- (3) Subject to the provisions of the Agreement chairmanship and duration of the Council shall be determined by the regulations.

**Functions of the Council**

19. Subject to the provisions of the Agreement , the Council shall have the following functions :-
- (a) leadership and strategic control of the Units, and issue decisions that any area to be a place of operation site service.
  - (b) co-ordination between the Units and the Armed Forces and Peoples Forces .
  - (c) to lay down the details of the functions of the Armed forces and the Peoples Army and the Units in the Southern Sudan ,  
Provided that the same is to be approved by the Presidency of the Republic .
  - (d) to lay down the bases for integration of the units and its time frame .
  - (e) to lay down the general policies, and the strategic planning of the Units, with the view of achieving its objectives provided for by the Constitution and this Act .
  - (f) to propose the budget of the Units and approve the items of expenditure .
  - (g) to lay down , and approve the organisation and the chart of the Units .
  - (h) to lay down the functions of the Technical Committee and appoint its chairperson .
  - (i) to lay down the general training policy of the Units and qualifying officers and commissioned officers and soldiers internally and externally and lay down the bases there of .

- (j) to constitute the appropriate committees necessary to help it to perform its functions.
- (k) to lay down the bases and means of substitution from the two forces in cases of martyrdom or disability .
- (l) to make the regulations and circulars which organize the set of priority of the individuals of the Units and other business .
- (m) to determine the powers of cancellation of losses .

### **Seat and meetings of the Council**

20. (1) The Council shall convene its meetings in Khartoum, unless it thinks other wise .
- (2) The Council shall take its decisions by consensus of opinions.
- (3) The Council shall make the internal regulations necessary to organize its conduct of business and meetings.

### **The Technical Committee**

21. (1) The Council shall constitute a technical committee, to be composed of eight of the senior officers of the Armed Forces and the Peoples Forces in equal ratio to perform it's functions according to this Act and the Agreement
- (2) The chairperson of the committee shall be appointed according to the manner followed in the appointment of the chairperson of the Council .
- (3) The committee shall help the Council in the function of co-ordination between the Units and the Armed Forces and People Forces under the supervision of the Council.
- (4) The technical committee shall submit reports to the Council as regards it's functions in the issues between the relations of the forces .

## **Chapter VI** **Leadership of the Units** **Control and Leadership**

22. The Units forces shall exercise it's objectives and implement it's functions according to the principles, guidelines, regulations, charges and orders issued by the Joint Defense Council, which shall not contravene the provisions of the Constitution , the Agreement and the Act or any other laws in force.

### **Leadership of the Joint Units**

23. Leadership of the Units shall be constituted as follows :-
- (a) each of the Commander Generals of the Armed Forces and the Peoples Army shall appoint two officers whose ranks are not less than lieutenant general or lieutenant , to assume the post of the leader and deputy leader of the Units .
  - (b) assumption of the posts of leader and deputy leader of the Units shall be divided equally and by rotation between the Armed forces and the Peoples Army .
  - (c) the first session of the leadership shall be assumed by the officer who shall be appointed by the Commander General of the Armed Forces; provided that the officer appointed by the Commander General of the People Forces shall assume the post of deputy leader for the same period .
  - (d) the Council shall determine the beginning and end of the period of the assumption of the posts of leader and deputy leader .

### **Functions of the leader**

24. (1) The leader shall assume the leadership of the Units , it's supply and all it's administrative and centimental affairs during peace and war which shall not contravene the provisions and powers provided for in this Act.
- (2) Without prejudice to the generality of the provision of sub-section(1), the leader shall have the following functions:-
- (a) to preserve high degree of preparadness of Units.
  - (b) to make the strategic guidance to the leaders of divisions and brigades.
  - (c) to assume the responsibility of the administration of finance appropriated to the Units.
  - (d) to constitute the military courts and approve the decision made thereby .
  - (e) to recommend to the Council to stay the execution of the military court decisions or remit the convicted persons .
  - (f) to transfer the officers , commissioned officers and soldiers with the approval of the Council .
  - (g) any other functions assigned thereto by the Council .
- (3) In all cases where resort to the Joint Defence Council is impeded or may cause a delay prejudicial to the command and control , the leader with the assent of his deputy , may take the appropriate measures to address the situation , provided that he shall forward the matter to the Council in the first meeting thereof.



**Functions of the deputy leader**

25. The deputy leader shall assume the following functions :-
- (a) to assist the leader in the performance of his functions .
  - (b) to assume the functions of the leader in case of his absence.
  - (c) any other powers or functions to be so charged to him by the Council or the leader.
  - (d) any other functions to be so charged to him by a warrant of charge order .

**Vacancy of the post of the leader**

26. In case where the post of the leader fall vacant , his deputy shall exercise his functions , pending the appointment of a new leader in accordance with the provisions of this Act .

**Vacancy of the post of the deputy leader**

27. In case where the post of the deputy leader fall vacant , his functions shall be assumed by the officer of the highest rank of the unit to which he belongs ,pending the appointment of a deputy leader in accordance with the provisions of this Act .

**Delegation of powers**

28. The Council the leader and deputy leader and leader of the force and inventory or any separate force or the chairman of the military justice administration , may delegate their powers or any of these powers to any person or group of persons according to the terms deemed fit there-by.

**Chapter VII**

**Administration and supply Affairs**

**Financial Affairs**

29. Subject to the provisions of the Agreement :-
- (a) the regulations and measures in force relevant to the financial , administration supply of the Armed Forces shall apply to the Units pending re-organization of the same by the Council .
  - (b) the financial affairs of the forces shall be governed by the Financial and Accounting Procedure Regulations 1995, and shall be administrated through the financial offices .

**Financial Appropriations**

30. (1) The ministry of the Presidency of the Republic shall assume spending of the Units .
- (2) The Regulations shall specify the salaries financial emoluments of the leader of Units his deputy and officers , commissioned officers, and soliers of the Units.
- (3) The Council shall issue the decisions necessary to regulate spending the financial emoluments.

**Promotions**

31. (1) Promotions to which the officers are entitled to in the forces to which they belong shall not be applicable through out their service in the Units;, provided that their seniority and all their financial rights shall be preserved until they resume joinder of their forces .
- (2) Subject to the organization chart and salary approved to the Units, the Council shall determine and approve the promotion of the commissioned officers and soldiers and the conditions there-of.

**Termination of Service**

32. The military service of the individuals in the Units shall be terminated in any of the following case:-
- (a) if it is so terminated by the leadership of the force which appointed him to work therein.
- (b) in case of his death or martyrdom.
- (c) dismissal from service by a decision of a competent military court.
- (d) if a medical decision is made by a competent medical body, that he is medically unfit for the military service.
- (e) he loses his sudanese nationality .
- (f) a final decision is passed on his conviction in an offence involving honour, honesty, or military honour by a competent military court.

**Annex**  
*The Joint Integrated Units Bill 2005*

**Chapter VIII**  
**Military Justice Affairs**  
**Work of Military Justice**

33. (1) There shall be established in the Units an independent Military Justice Administration.
- (2) there shall assume the administration of Justice and work there-in, officers who obtained a certificate in law from a recognized university and the Bar examination certificate and shall be medically fit and have appropriate experience.
- (3) the Administration shall assume all the legal and justice business of the Units, and whose officers shall have the following functions:-
- (a) to act as magistrates in the military courts.
  - (b) to act as military prosecutors before the military courts.
  - (c) to represent the Units and the individuals belonging thereto who may be defendants, before the civil courts .
  - (d) to issue the binding legal opinion.
  - (e) to take judicial confessions and admissions, in relation to those who are subject to this Act.
  - (f) to prepare the draft contracts, transactions and agreements.
  - (g) to exercise any other functions of legal nature.
- (4) the said administration shall be subordinate to the Joint Defence Council and shall be subject to the general rules of military command, and not with standing the same, none of its officers may be referred to the military courts or investigation save by a decision of the Joint Defence Council on the recommendation of the leader.
- (5) The officers of military Justice shall perform their legal functions without any influence on them save that of law and their professional and ethical conscience, they shall have full authority and supervision over the legal organs and business in the Units.
- (6) The weigh internment and the flag of the Units, shall be the emblem of the military Justice Unit and the individuals.

**Jurisdiction of the Military Courts**

34. (1) The Military Courts shall be competent to try all the charges and contraventions against the individuals of the Units.
- (2) The leader of the Units may within one month of so being notified give his assent to try any of the individuals of the Units before the civil Justice.

**Chapter IX**

**General provisions**

**Application of other laws and regulations**

35. (1) Subject to provisions of the Constitution and the Agreement, and pending the enactment of it's relevant laws orders and rules applicable to the Armed Forces, Peoples, Army in any matter which has not been provided for by this Act, shall apply to the Units, in case of inconsistency, the council shall determine which provision is liable to be followed.
- (2) Pending the completion of the deployment of the Units, the Armed Forces and the Peoples Army shall apply their respective laws.

**Power of making regulations**

36. The Council may, with the approval of the Presidency of the Republic, make the necessary regulations , rules and orders for the implementation of the provisions of this Act .