

PEOPLE’S ARMED FORCES ACT, 1986

In the Name of Allah, the Most Gracious, the Most Merciful

**People’s Armed Forces Act, 1986
(16/4/1986)**

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CHAPTER ONE

PRELIMINARY PROVISIONS

1. Short Title

This Act shall be called the “**People’s Armed Forces Act, 1986.**”

2. Repeal and Savings

The People's Armed Forces Act, 1983, is hereby repealed.

Provided that all procedures which were taken, and all regulations, rules and orders issued under it shall remain in force until they are repealed or amended in accordance with the provisions of this Act.

3. Interpretation

Unless the context otherwise requires, the following words and expressions shall have the meanings assigned to them below:

"Reserve" means the force constituted in accordance with the reserve service system established by the President of the Republic.

"Military equipment or articles" includes any equipment or articles belonging to the People's Armed Forces, as well as any equipment or articles in the possession of any person for the purpose of transferring them to any unit of the armed forces. It includes the equipment and articles of personnel.

"Personnel" includes officers, non-commissioned officers and soldiers.

"Recruitment" means enlistment into the ranks of the People's Armed Forces in respect of non-commissioned officers and soldiers.

"Formation" means what exceeds the level of a unit and includes a battalion, brigade, division and corps, according to the military definition.

"Appointment" means entry into the ranks of the People's Armed Forces in respect of officers.

"Minor reprimand" means a reprimand that is not made public and which results in the deprivation of the individual of any privilege.

"Severe reprimand" means a public reprimand which is published in military orders or announced at parade, and which results in the officer being regarded as having been declared unfit for promotion for a period of seven months.

"Offence" means any act or omission punishable under the provisions of this Act.

"Soldier" means any person other than an officer or non-commissioned officer.

"Guard" means any person assigned guard duties over any person, facility or military equipment and who violates such duty during peace or wartime.

"Government" means the Government of the Republic of Sudan.

“Field service” means the period during which a person subject to this Act is serving with a force or any of its attachments at any time when that force is:

- (a) conducting military operations against an enemy inside or outside the country;
- (b) under orders to move, or preparing to move, for combat against an enemy inside or outside the country; or
- (c) in any other situation concerning which an order has been issued by the General Commander.

“Salary” includes pay and any other entitlements.

“Other ranks” means all personnel other than officers.

“Time of emergency” means the period specified for the exercise of a state of emergency pursuant to a declaration issued by the President of the Republic or another person legally authorized to make such declaration, in relation to the place where the state of emergency exists.

“Imprisonment” means any custodial punishment which a person is required to serve in a military or civil prison pursuant to a judgment issued by a military or civil court.

“Officer” means any person holding a commission under the provisions of this Act.

“Superior officer” includes any person of higher rank in relation to a person subject to this Act.

“Non-commissioned officer” includes the ranks from Warrant Officer through Sergeant Major and Corporal as prescribed by the military hierarchy.

“Confirming officer” means the officer vested with the power to confirm the judgments and decisions of military courts.

“Enemy” includes an enemy from outside the country, rebels and armed gangs that are in a state of preparation for military operations.

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

“Lesser punishment” means any lesser punishment specified in section 80, taking into account the provisions of section 81 and the nature and degree of the offence.

“Principal branch” includes the land, air and naval forces and the air defence forces, as well as any principal branch established in the future.

“Commander” means an officer or non-commissioned officer whose duty is to perform command functions in any separate part of the armed forces or in any other constituted force

pursuant to any law or regulation applicable to that part, or according to the custom followed in the armed forces where no such law or regulation exists.

“General Commander” means the senior officer who commands the People’s Armed Forces and who is appointed by a decision of the President of the Republic.

“Regular Forces” means the People’s Armed Forces, the Police Forces and any other forces established by a decision of the President of the Republic.

“Rules” means the rules issued by the General Commander under the provisions of this Act.

“Force” means any detachment of the People’s Armed Forces assigned to perform any military task entrusted to the People’s Armed Forces for a specified period.

“Military College” means the college established under this Act for the training and qualification of officers.

“Military Discipline Regulations” means the regulations issued under this Act for determining systems of discipline, control and military order.

“National Defence Council” means the council established under section 18(1).

“Field Military Courts” means military courts which try offences and violations committed during field service.

“Military Court of Appeal” means the court responsible for hearing appeals against judgments issued by military courts constituted under this Act.

“Military Court” means a court constituted under the provisions of this Act.

“Civil Court” means any court exercising jurisdiction within Sudan, whether its jurisdiction is Sharia, civil or criminal.

“Military Prosecutor” means the person responsible for conducting prosecution before military courts in accordance with the rules governing procedure.

“Unit” means any military force having a command and administrative organization, established on an authorized establishment and commanded by the General Commander, and not exceeding the size of a battalion.

4. Persons Subject to this Act

The following persons shall be subject to the provisions of this Act:

(a) Officers of the People’s Armed Forces;

(b) Non-commissioned officers and soldiers of the People’s Armed Forces;

- (c) Students of military colleges, institutes, centres and schools;
- (d) Any person appointed or recruited under the provisions of this Act;
- (e) Prisoners of war, to the extent that this does not conflict with international conventions;
- (f) Any force constituted under a special law or regulations which subject it to this Act or to regulations made under this Act;
- (g) Any person placed in reserve or detained for purposes of investigation or custody, as well as any person imprisoned in a military barracks;
- (h) Military personnel of allied forces or their attachments residing in the territory of the Republic of Sudan, where treaties, agreements or international conventions so provide;
- (i) All civilians working during field service in the Ministry of Defence or in the force, or attached to it or to any part thereof; and
- (j) Any other person, other than those mentioned above, who commits one of the offences prescribed in Chapters Five, Six and Seven of the Criminal Act, 1991, if the General Commander so decides with the approval of the Minister of Justice.

5. Application of this Act to the Regular Forces

1. Upon declaration of a state of emergency, all Regular Forces shall be subject to the provisions of this Act.
2. The President of the Republic may at any time incorporate all or any of the Regular Forces into the People's Armed Forces, in which case they shall be subject to the provisions of this Act.

CHAPTER TWO

OBJECTIVES AND DUTIES OF THE PEOPLE'S ARMED FORCES

6. People's Armed Forces

The People's Armed Forces shall be national military forces whose objectives and duties are:

- (a) To protect the homeland, secure and preserve its safety, participate in its reconstruction and protect the gains of the people, while safeguarding the constitutional order and the civilization and higher interests of the nation.
- (b) To assist the Regular Forces whenever necessary during peacetime and emergencies in accordance with the provisions of the law, and to enjoy for that purpose the legal powers and protections granted to all Regular Forces.

(c) To participate in reconstruction and economic, social and agricultural development in a manner that achieves self-sufficiency and contributes to the advancement of the homeland, without conflicting with its basic duties in peace and war.

(d) In carrying out their duties, to work to establish, strengthen and promote Jihad, national education and the protection of the principles of the Constitution and the higher interests of the country.

(e) To perform the military duties assigned to them during peace and war and to develop their human, material and technical capabilities.

(f) To participate in strengthening peace and international security in implementation of international and regional charters and treaties.

(g) To promote religion, morals and virtuous values and strengthen the spirit of unity, loyalty and citizenship.

7. Prohibition of Political Activity

No member of the People's Armed Forces may be a member of any political organization, except the Supreme Commander of the People's Armed Forces where he is an officer.

8. Repealed

Repealed.

9. Repealed

Repealed.

CHAPTER THREE

COMPOSITION, COMMAND AND ADMINISTRATION OF THE PEOPLE'S ARMED FORCES AND EXERCISE OF POWERS

10. Composition of the People's Armed Forces

1. The People's Armed Forces shall consist of active forces and reserve forces, as determined from time to time by the President of the Republic on the recommendation of the National Defence Council. They are national forces operating in any part of Sudan and shall be composed of all Sudanese citizens without discrimination on grounds of race, religion or region.

2. The active forces shall consist of the following principal branches:

(a) Land Forces;

- (b) Air Force;
- (c) Naval Forces;
- (d) Air Defence Forces; and
- (e) Any principal branch established in the future.

3. Reserve units shall include the forces prescribed under the Reserve Service Act, 1982, and any force established under that Act or by a decision of the President of the Republic.
4. Retired members of the People's Armed Forces and other Regular Forces, persons who have completed their national service, members of the Popular Defence Forces who have received military training, and all persons capable of bearing arms shall be regarded as reserve personnel. The Supreme Commander may absorb them into any branch of the People's Armed Forces whenever necessity requires.
5. Without prejudice to subsection (4), the President of the Republic may subject any person, or any person capable of bearing arms, to military training for the purpose of preparing him as a reserve force, according to the controls prescribed by any law or decision in force.

11. Supreme Commander of the People's Armed Forces

1. The President of the Republic shall be the Supreme Commander of the People's Armed Forces.
2. The Supreme Commander shall have exclusive responsibility for:
 - (a) determining the political and military objective;
 - (b) issuing directives on military policy to the Minister of Defence;
 - (c) declaring war in accordance with the Constitution and the law;
 - (d) declaring a state of emergency in accordance with the Constitution and the law; and
 - (e) receiving assistance from the National Defence Council in the exercise of his functions and performance of his duties.

12. General Commander

1. A command shall be established for each principal branch of the People's Armed Forces, and shall operate under the authority of the **General Command of the People's Armed Forces**, headed by the General Commander.

2. The General Commander shall remain in office for a period of not less than four years.
3. The General Commander shall be assisted in the performance of his duties by the **Command Council of the People's Armed Forces** and the **General Staff**.
4. The General Commander shall be responsible for the organization, preparation, training and administration of the forces and shall have the following powers:
 - (a) Assessing the strategic military situation;
 - (b) Determining strategic military tasks required to achieve the strategic military objective;
 - (c) Establishing the principal framework for the strategic employment of the People's Armed Forces;
 - (d) Providing strategic direction to the General Staff and commanders of the principal branches in order to obtain the data, information and proposals necessary for strategic military decision-making;
 - (e) Making strategic military decisions concerning the employment of the People's Armed Forces;
 - (f) Strategic deployment of the People's Armed Forces;
 - (g) Preparing the People's Armed Forces for war;
 - (h) Maintaining a high state of readiness in the People's Armed Forces;
 - (i) Reorganizing, modernizing and developing the People's Armed Forces;
 - (j) Ensuring comprehensive logistical support for the People's Armed Forces;
 - (k) Ensuring successful execution of the missions assigned to the People's Armed Forces;
 - (l) Preparing budget proposals for the People's Armed Forces;
 - (m) Assuming responsibility for administering funds allocated to the People's Armed Forces;
 - (n) Nominating the deputies of the Chief of General Staff and submitting their names to the Supreme Commander for approval;
 - (o) Assuming responsibility for the military-industrial organization; and
 - (p) Issuing the regulations, rules, orders and decisions necessary for the administration of the People's Armed Forces.

13. Exercise of the Powers of the General Commander

1. The General Commander may:

(a) delegate all or some of the powers vested in him under this Act to any person or group of persons subject to this Act, in accordance with the controls and conditions determined by the General Commander;

(b) issue an order under his signature specifying the appropriate procedures for supervising any force or any other force operating jointly with it, or for supervising any force or part thereof operating outside Sudan or operating jointly with another force placed at the disposal of the Government for the purpose of defending Sudan. The order may specify the authority empowered to issue orders; and

(c) issue an order under his signature delegating to any person the authority to supervise the force referred to in subsection (1), or any part thereof, and to take the procedures mentioned above.

2. Any delegation of powers or procedures under this section shall be subject to the limitations, reservations, appeals and conditions prescribed in the order issued by the General Commander.

14. General Staff

1. A General Staff shall be established to assist the General Commander in commanding and administering the People's Armed Forces. It shall consist of the Chief of General Staff, his deputies and the commanders of the principal branches.

2. The Chief of General Staff and his deputies shall remain in office for a period of not less than three years.

15. Functions of the General Staff

The General Staff shall have the following functions:

(a) Preparing studies, estimates and assessments of the political situation in the theatre of war of the Republic of Sudan;

(b) Preparing strategic political assessments of any emergency situations arising in the theatre and developing proposed solutions and alternatives for submission to the General Commander;

(c) Planning the requirements of the People's Armed Forces for weapons and equipment from abroad;

(d) Preparing the strategic employment plan for the People's Armed Forces within the framework of the approved military policy;

- (e) Preparing the theatre of operations and the People's Armed Forces from the military point of view;
- (f) Nominating the General Commander and the Chief of General Staff.

16. Functions of the Chief of General Staff

The Chief of General Staff shall:

- (a) Issue operational directives and the resulting instructions to the principal branches, formations and departments;
- (b) Prepare the strategic military decision for the employment of the People's Armed Forces for implementation;
- (c) Prepare proposals relating to building forces and preparing the People's Armed Forces for war;
- (d) Determine the requirements of the People's Armed Forces for weapons, equipment and technical means for peace and war;
- (e) Determine the directions of military and operational research; and
- (f) Ensure full coordination of the activities of the General Staff and the principal branches of the People's Armed Forces.

17. Minor Punishments

The regulations shall specify the minor punishments to which any officer, non-commissioned officer or soldier may be subjected without resort to a military court, the officers authorized to impose those punishments, and the limits within which such punishments may be imposed.

CHAPTER FOUR

FORMATION AND FUNCTIONS OF COUNCILS

18. National Defence Council

1. A council called the "**National Defence Council**" shall be established by order of the Supreme Commander.
2. The National Defence Council shall be constituted as follows:
 - (a) The Supreme Commander of the Armed Forces — Chairman;
 - (b) Vice-Presidents of the Republic — Members;
 - (c) Minister of National Defence — Member;

- (d) Minister of Foreign Affairs — Member;
- (e) Minister of the Interior — Member;
- (f) Minister of Finance and National Economy — Member;
- (g) General Commander of the People's Armed Forces — Member;
- (h) Chief of General Staff — Member;
- (i) Ministers of State for Defence — Members;
- (j) Director of the National Security Service — Member;
- (k) Director of the Sudanese Intelligence Service — Member;
- (l) Deputies of the Chief of General Staff — Members;
- (m) Commanders of the principal branches — Members; and
- (n) Secretary-General of the Ministry of Defence — Member and Rapporteur.

3. The National Defence Council shall have the following functions:

- (a) Formulating general mobilization policies and issuing the mobilization policy document and coordinating them with all specialized military policies, particularly foreign and domestic policy;
- (b) Determining the general framework for military command, which establishes the features of military strategy and deals with the employment and use of the People's Armed Forces;
- (c) Formulating political procedures relating to national defence;
- (d) Planning for the building of the People's Armed Forces and assisting the Supreme Commander in performing his functions and duties;
- (e) Approving the nominations of the General Commander and the Chief of General Staff made by the Command Council;
- (f) Securing the resources required by the People's Armed Forces to meet all their needs;
- (g) Adopting policies for maintaining high morale among the people and the People's Armed Forces;
- (h) Recommending to the Supreme Commander the declaration of general or partial mobilization and a state of emergency;
- (i) Recommending approval of treaties and agreements with allied states relating to political, economic and military matters.

4. In a state of war, the National Defence Council shall function as a War Council.
5. The National Defence Council shall meet regularly every three months and may be convened whenever necessary by decision of the Supreme Commander.
6. An office shall be established for each ministry with the following functions:

- (a) Following up preparations for national defence;
- (b) Coordinating with the General Secretariat of the National Defence Council and preparing the national defence plans referred to in section 19(3)(c); and
- (c) Participating in the committees formed by the National Defence Council.

19. General Secretariat of the National Defence Council

1. A General Secretariat shall be established for the National Defence Council and shall comprise the following departments:

- (a) Planning and Follow-up Department;
- (b) Crisis Management Department; and
- (c) National Defence Preparation Department.

2. The General Secretariat of the National Defence Council shall, in exceptional circumstances, perform the following duties:

- (a) Study factors affecting the preparation of military policy;
- (b) Plan military policy in the following sequence:
 - (i) Evaluate military objectives;
 - (ii) Determine assumptions; and
 - (iii) Determine alternatives.
- (c) Follow up implementation of military policy decisions with the various organs and ministries of the State;
- (d) Follow up military expenditure in the fields of armament, military production and provision of weapons and equipment within the financial appropriation allocated for that purpose; and
- (e) Evaluate what has been implemented, extract lessons learned and take them into account when preparing new plans.

3. The General Secretariat shall represent the permanent and continuous link between the General Command of the People's Armed Forces and the political leadership and civil ministries and organs in order to overcome difficulties.

20. Commanders' Conference

The Commanders' Conference shall be the highest consultative body of the People's Armed Forces and shall have the following functions:

- (a) It shall meet under the chairmanship of the General Commander once every two years or whenever necessity requires;
- (b) All commanders of the People's Armed Forces shall attend the Conference to discuss the formation and administration of the People's Armed Forces and the exercise of powers and performance therein;
- (c) Decisions of the Conference shall be issued under the signature of the General Commander; and
- (d) Decisions of the Conference shall be binding and enforceable.

21. Formation of the Council of the Command of the People's Armed Forces and its Functions

1. The Council of the Command of the People's Armed Forces shall be established by decision of the General Commander and shall consist of:

- (a) General Commander — Chairman;
- (b) Chief of General Staff — Member;
- (c) Deputies of the Chief of General Staff — Members;
- (d) Commander of the Air Force — Member;
- (e) Commander of the Navy — Member;
- (f) Commander of the Air Defence Forces — Member;
- (g) Inspector-General — Member;
- (h) Commanders of military areas — Members;
- (i) Director of Legal Affairs — Member and Rapporteur.

2. The Council shall have the following functions:

- (a) Advising the President of the Republic concerning protection of the Constitution and the higher interests of the country;

- (b) Understanding and determining the military strategic objectives arising from the political and military objective;
- (c) Formulating military strategies that achieve the political and military objectives;
- (d) Determining strategic missions for the People's Armed Forces and their principal branches within the framework of the strategic military objective;
- (e) Ensuring precise implementation of directives within the framework approved by the military leadership in all matters relating to the preparation of the People's Armed Forces for combat;
- (f) Evaluating the approved military policy in light of practical application and submitting proposals to the National Defence Council for decision; and
- (g) Nominating the General Commander and Chief of General Staff and submitting the nominations to the National Defence Council for approval.

3. The Council shall meet whenever necessity requires.

CHAPTER FIVE

SELECTION, QUALIFICATION, APPOINTMENT, RECRUITMENT AND RANKS

22. Conditions of Service

The regulations issued under this Act shall determine the conditions of service of members of the People's Armed Forces.

23. General Conditions for Military Service

1. Every person joining the service of the People's Armed Forces must:
 - (a) be a Sudanese citizen by birth;
 - (b) owe allegiance to Sudan;
 - (c) be of good character and reputation;
 - (d) be physically fit to bear the burdens of military service; and
 - (e) be able to read and write.
2. The President of the Republic may, upon the recommendation of the General Commander, exempt any person from the requirement of Sudanese citizenship by birth or from the requirement of literacy.

24. Selection and Qualification of Officers

1. Persons to be qualified as officers at the Military College shall be selected through open competition on the basis of merit, ability and endurance. The regulations shall determine the procedures and conditions of selection.
2. Notwithstanding subsection (1), officers may be selected from:
 - (a) Graduates of universities, higher institutes and technical colleges, subject to the conditions of selection prescribed by the regulations;
 - (b) Non-commissioned officers serving in the People's Armed Forces, subject to the conditions and method of selection and qualification prescribed by the regulations; and
 - (c) Any other body as may be directed by the President of the Republic upon the recommendation of the General Commander.
3. Persons selected shall be qualified at the Military College in accordance with the law or any military institute determined by the General Commander. The General Commander may permit their qualification within the units.

25. Grant of Commission and Taking of the Oath

1. The President of the Republic may grant a commission as an officer in the People's Armed Forces to persons who have completed the qualification period.
2. Officers who are granted commissions under subsection (1) shall take the oath of allegiance prescribed in this Act before the General Commander or a person delegated by him.

26. Other Ranks

1. The General Commander, or a person delegated by him, may recruit personnel into the other ranks of the People's Armed Forces to fill authorized vacant posts.
2. The regulations shall determine the method of recruitment, conditions of selection, training period, term of service, official commitment and other matters such as dismissal and discharge from service.

27. Legal Effect of Appointment and Recruitment

Every person who receives one month's pay as a person appointed or recruited into the People's Armed Forces shall legally be regarded as appointed or recruited on the basis that he was appointed or recruited into the force and shall have no right to demand dismissal on the ground that his appointment or recruitment was contrary to the provisions of this Act.

28. Oath of Allegiance

Every person appointed or recruited into the People's Armed Forces shall take the following oath of allegiance:

"I swear by Almighty Allah that I dedicate my life to Allah, the homeland and the service of the people; that I shall devote my time throughout my period of service to faithfully and honestly performing the duties entrusted to me under the People's Armed Forces Act in force and any other law in force; that I shall protect the homeland, secure and preserve its safety, participate in its reconstruction and protect the gains of the people and the civilization of the nation; that I shall uphold the principles of the Constitution; that I shall obey every lawful order issued to me by my superior officer; that I shall exert my utmost effort in carrying it out, even if doing so requires me to sacrifice my life, whether on land, at sea or in the air. And Allah is witness to what I say."

29. Approval of Promotions

1. Promotion of officers shall be approved by a decision of the President of the Republic after submission by the General Commander.
2. Promotion of other ranks shall be approved by the authority specified in the regulations.
3. The regulations shall determine the conditions and procedures for promotion from one rank to another.

30. Secondment, Assignment and Delegation

1. The secondment of officers and personnel and their assignment within Sudan or their secondment abroad shall be carried out in accordance with the provisions contained in the regulations.
2. The General Commander may assign or second any officer to perform any task or public function outside his duties in the People's Armed Forces, whether inside or outside the country. He may also return the officer to service or transfer him to retirement when the task or public position ends, while preserving his entitlement to post-service benefits.

31. Transfers

Transfers of personnel between formations and units of the armed forces shall be made in accordance with the controls prescribed in the regulations.

32. Military Ranks

1. The military ranks of officers in the People's Armed Forces shall be:
(a) Field Marshal;

- (b) General;
- (c) Lieutenant General;
- (d) Major General;
- (e) Brigadier;
- (f) Colonel;
- (g) Lieutenant Colonel;
- (h) Major;
- (i) Captain;
- (j) First Lieutenant; and
- (k) Lieutenant.

2. The military ranks of other ranks in the People's Armed Forces shall be:

- (a) Warrant Officer;
- (b) Sergeant Major;
- (c) Sergeant;
- (d) Corporal;
- (e) Lance Corporal; and
- (f) Soldier.

33. Flags of the People's Armed Forces

1. The People's Armed Forces, in their various branches, shall have two flags:

- (a) The Peace Flag; and
- (b) The War Flag.

2. The words **"There is no god but Allah"** shall be written on the Peace Flag, which shall be raised during peacetime.

3. The words **"Allah is the Greatest"** shall be written on the War Flag, which shall be raised during wartime.

4. The flag of the People's Armed Forces shall never be lowered and shall never be removed from its mast.

5. The guard shall render the salute in the morning during the morning parade and in the evening during the evening parade.

6. The slogan of the People's Armed Forces shall be:

(a) During military operations: **"Allah is the Greatest."**

(b) During peacetime: **"Allah is our Goal, the Messenger is our Example, and Jihad is our Path."**

CHAPTER SIX

TERMINATION OF MILITARY SERVICE

34. Termination of Service

1. The service of any person appointed or recruited into the People's Armed Forces shall terminate upon expiry of the service contract or any extension thereof.
2. Upon termination of service, an enlisted person shall be given a certificate of discharge in the form prescribed for that purpose under this Act.

35. Extension of Service During a State of Emergency

1. The General Commander, or a person delegated by him, may, with the approval of the President of the Republic, extend the service period of all persons who could otherwise be released from service or whose appointment or recruitment would expire during a state of emergency, for a period not exceeding the duration of the declared emergency.
2. Notwithstanding subsection (1), the General Commander may order any person to remain in service in the People's Armed Forces if this is necessary for the service, for a period not exceeding one year.

36. Grounds for Termination of Military Service of Officers

1. The military service of an officer shall terminate for any of the following reasons:

(a) Reaching retirement age in accordance with the People's Armed Forces Officers' Pensions Act, 1976;

(b) Discharge from service upon application for retirement in accordance with the People's Armed Forces Officers' Pensions Act, 1976, on the basis of length of service;

(c) Retirement on account of exclusion from service, upon the recommendation of the General Commander and with the approval of the President of the Republic; where the General Commander's retirement is concerned, this shall be upon the recommendation of the National Defence Council and approval of the President of the Republic;

- (d) A decision of a medical committee declaring him medically unfit for military service in accordance with section 31 of the People's Armed Forces Officers' Pensions Act, 1976;
- (e) Completion of the maximum period prescribed for reserve service under military laws;
- (f) Loss of Sudanese nationality, in which case the person shall be regarded as dismissed from the force;
- (g) A judgment of a military court ordering his dismissal from the force;
- (h) Selection to occupy a ministerial position;
- (i) A sentence of imprisonment issued by a civil court and a recommendation by the General Commander, followed by approval by the President of the Republic, to terminate his service; or
- (j) His death or martyrdom.

2. The General Commander may terminate the temporary service of an officer if he is reported as unfit to continue military service or if it is considered that his continued service is unnecessary or undesirable.

37. Grounds for Termination of Service of Other Ranks

The service of non-commissioned officers and soldiers shall terminate for any of the following reasons:

- (a) Expiry of the service contract;
- (b) A decision of a medical committee;
- (c) Dismissal for bad conduct;
- (d) Dismissal pursuant to a judgment of a military court or by a decision of the General Commander in the circumstances permitted by law;
- (e) Reaching the retirement age prescribed by law; or
- (f) Death or martyrdom.

38. Benefits after Service of Officers, Non-Commissioned Officers and Soldiers

The People's Armed Forces Officers' Pensions Act, 1976, and the People's Armed Forces Non-Commissioned Officers' and Soldiers' Pensions Act, 1976, shall regulate the manner in which officers, non-commissioned officers and soldiers obtain their post-service entitlements.

39. Exclusion

1. Subject to the controls prescribed in this Act, the President of the Republic may exclude any person subject to this Act. In the case of an officer, such exclusion shall be upon the recommendation of the General Commander and, where appropriate, upon the recommendation of the National Defence Council.
2. Subject to the controls prescribed in this Act, the General Commander may exclude any non-commissioned officer or soldier from the force.
3. If, after considering a report from a competent authority, the General Commander considers that trying an officer is impracticable and that his continued presence in the force has become undesirable, he may submit a recommendation to the President of the Republic after giving that officer an opportunity to explain his position.
4. If the General Commander considers that the continued service of any officer in the force is undesirable, he may, after obtaining the approval of the President of the Republic, request that officer to retire where the case does not warrant dismissal or exclusion, while granting him whatever pension or gratuity he is entitled to under the People's Armed Forces Officers' Pensions Act, 1976.

If the officer refuses, the officer may be retired or excluded from the force and granted the pension or gratuity to which he is entitled, provided that he is given a full opportunity to explain his position.

40. Consequences of Termination of Service

1. Termination of service by dismissal shall not necessarily result in deprivation of the pension or gratuity due to the person unless the President of the Republic so decides upon the recommendation of the General Commander, or, in the case of the General Commander, upon a decision of the President of the Republic.
2. Termination of service by exclusion shall not necessarily result in deprivation of the pension or gratuity due.
3. Termination of service by dismissal, retirement or discharge shall not necessarily result in deprivation of the pension or gratuity due.

41. Effective Date of Dismissal, Discharge, Release, Exclusion or Retirement

The dismissal, discharge, release, exclusion or retirement of an officer shall take effect from the date specified in the decision issued by the President of the Republic and published in the official orders.

42. No Retrospective Effect of Termination of Service

The dismissal, discharge, release, exclusion or retirement of an officer shall not have retrospective effect under any circumstances.

43. Return to Sudan before Exclusion from Service

1. If a person serving under this Act becomes entitled to exemption from service while serving outside Sudan and requests to return to Sudan, his request shall be dealt with expeditiously before he is exempted or excluded from service.
2. If a person serving under this Act abroad is excluded and the exclusion is accompanied by another punishment, including imprisonment, part of that punishment may be imposed abroad before he is sent to Sudan.