

Alsawaid Alkhadara Organization (AAO)

Anti terrorism Act for the Year 2022

Preliminary Provisions

Title and Commencement of the provisional Decree

1- The title of this provisional decree is “Anti-Terrorism Act, 2001” and shall come into force from the date it is signed.

Interpretation

2- In this Act, unless the context otherwise requires:

Terrorism: Means all violent acts or threats thereof, whatsoever the reasons or objectives behind them, that take place in execution of an individual or collective criminal scheme aiming at terrorizing or terrifying the people by causing injury or endangering their lives, freedoms or security or causing damage to the environment or public or private funds or any facilities or public and private properties or occupying or capturing them or exposing any national or strategic resources to danger.

Terrorist offence: Means any act or attempt thereof committed in execution of a terrorist intent, including terrorist offences and activities stipulated in the agreements signed by the Government of Sudan and approved in accordance with the provisions of the Constitution, save for those excepted or reserved.

Political offence: Means engagement in a hostile action against heads and rulers of states, and their spouses or ascendants or descendants, heads of governments, ministers or persons who are enjoying International Immunity including ambassadors and members of the diplomatic corps, or attacking diplomatic locations, their residential areas or means of transportation.

Aircraft: Means any object that can stay in the space as reactions of the air pressure which are not reflected from the surface of the earth, including all airships, such as balloons, sailplane, fixed-wing crafts and helicopters.

Means of transportation: Means aircrafts, boats, vehicles and all means of transportation and movement.

Application

3- This Act is applicable to:

- (a) Any person accused of committing terrorist offence or attempting or inciting the same whether inside or outside the Sudan if such an offence prejudices the interests or economy or the national or social security of the Sudan.
- (b) Terrorist offences committed against means of transportations or on boards thereof.
- (c) Any person, who will commit, attempt or incite terrorist offence inside the Sudan or against any of the Sudanese means of transportations, if such an offence prejudices the interests or security of any country that has relations with, or interests in the Sudan or involves any expatriate in the Sudan or lawfully resides therein.
- (d) Any person who will be accused of committing or attempting or inciting a terrorist offence outside the Sudan, if such a terrorist act is punishable according to the

provisions of this Act or any other Act in force in the Sudan, or if the terrorist act is punishable according to the provisions in force in the country in which the act is committed provided that such a country shall approve to apply the provisions of this Act.

- (e) Terrorist offences according to the provisions of Para (d) above, even though such an act will not prejudice the interests or national security of the Sudan, unless a decision is taken to extradite the accused, in accordance with the provisions of the Extradition Act, to any country that signed an agreement to co-operate in anti-terrorism and be approved according to the provisions of the Institution.

Save

4- In the application of the provisions of this Act, the following acts are not considered political offences even if they are committed for political reasons:

- (a) Murder and robbery associated with coercion against individuals, authorities or means of transportation.
- (b) Sabotage activities against public properties used for providing public service, even if these are owned by another country but located in the Sudan.
- (c) Offences related to manufacturing, smuggling or acquisition of weapons or ammunition or explosives or other materials which are arranged for the purpose of committing a terrorist act.

Terrorist Offences and Acts

Terrorist Acts

5- Any person undertakes, incites, attempts, or facilitates by talk or deeds or publication, to commit an act in execution of a purpose of terrorist nature against the State or its social security, citizens, public/private utilities or properties or facilities or installations, shall be sentenced by death or imprisonment for life.

Terrorist Criminal Organizations

- 6- Any person manages, incites, attempts, participates in the management, or facilitates by way of talk or deeds or publication, with the aim to establish an organized and planned network to commit any offence or terrorist act either inside or outside the Sudan or in any state or city or any village or inhabited areas where terrorist acts constitute danger to human beings or funds or public security, shall be accused of terrorist act and shall be sentenced - if proved guilty - by death or imprisonment for life.

Capture and Seizure of Aircrafts

- 7- Any person tends or incites or attempts or facilitates by talk or deeds or publication, by use of force or threatening to do so, or undertakes to do any act of coercion, in order to capture an aircraft or attempt to capture it or exercises control over it, shall be deemed to have committed terrorist offence, and will be sentenced by imprisonment which shall not exceed 14 years or with fine or both penalties.

Illegal Acts against Aviation Safety

- 8- Any person, who undertakes, incites, attempts or facilitates by talks or deeds or publication, to commit:
- (a) any violent act against any person on board of an aircraft if the action might endanger the persons or the aircraft safety;
 - (b) any act that destroys the aircraft causing damage to it or making it unable to fly or might endanger the aviation safety;
 - (c) any act that results in placement of any materials or a device or any other materials inside an aircraft that might destroy the aircraft or cause a damage or operation failure or endanger the aviation safety;
 - (d) any act causes the destruction or damage of the aviation facilities or interference in the operations of such facilities if the consequences of these acts might endanger the aircraft safety; and/or
 - (e) any act endangering the aircraft or the cargo safety or endangering the passengers and the operators life by intentionally giving false information, shall be considered a terrorist

offence and shall be sentenced, if proved guilty, by death or imprisonment for life, and that all funds or equipments used in the commitment of the offence shall be confiscated.

Capture and Seizure of Ships and Sea/River Means of Transportation

- 9- (1) Any person undertakes or attempts or incite to commit any act, or facilitates by talk or deeds or publication, to capture any ship or any sea/river means of transportation registered in the Sudan or operating in the regional water, by threatening or using force or any other form of violence, shall be deemed to have committed a terrorist act and shall be sentenced, if proved guilty, by imprisonment which shall not exceed 14 years, or fine, or both penalties.
- (2) Any person undertakes or attempts or incites commission of any act or facilitates by talk or deeds or publication to expose any means of sea or river transportation or their shipments to destruction or damage or expose the operators lives to danger or provide false information which expose the means of sea or river transportation or their shipments or operators to physical or psychological danger, shall be deemed to have committed a terrorist offence and shall be sentenced, if proved guilty, by imprisonment which shall not exceed 14 years or fine or both penalties.

Capture of Means of Land Transportation

- 10- (1) Any person tends or attempts or incites any act or facilitates by talk or deeds or publication to capture any means of land transportation used for passengers or cargo transportation or threaten to use force or any form of violence, shall deemed to have committed terrorist offence and shall be sentenced, if found guilty, by imprisonment which shall not exceed 10 years or fine or both penalties.
- (2) Any person tends or attempts or incites any act or facilitates by talk or deeds or publication to expose any means of transportation or their loads to destruction or damage or endanger passengers or provide false information which expose the means of transportation or their loads or operators to physical or psychological hazard, shall be deemed to have committed terrorist offence and shall be sentenced by imprisonment which shall not exceed 14 years or fine or both penalties.

Detention of Persons or Inflicting Damage upon them

- 11- (1) Any person tends or incites or attempts or facilitates by talk or deeds or publication, in order to commit any act of these specified in articles 5, 6, 7, 8, 9 and 10, that results in illegal detention of any person or violate his freedom or exposes him to physical or psychological injury, shall be sentenced for life imprisonment for not less than 10 years or fine or both penalties.
- (2) Any person tends or incites or attempts or facilitates by talk or deeds or publication in order to commit a terrorist offence by way of illegal detention of any person in a public or private place or violate his freedom or cause physical or psychological injury, shall be sentenced by imprisonment for not less than 5 years but not exceeding 14 years.

Environment Offences

- 12- Any person commits any act which causes severe environmental damage and endangers the people life, shall be deemed to have committed a terrorist offence and shall be sentenced, if proved guilty, by imprisonment which shall not exceed 20 years and fine.

Anti-terrorism Courts

Composition of Anti-terrorism Courts

- 13- (1) The Chief Justice shall, pursuant to an order to be issued by him, establish a court, or more than one court, to be cited as "Anti- terrorism Court".
- (2) The Chief Justice, in consultation with the Minister of Justice, shall lay out the regulations relating to the procedures of anti-terrorism courts and as how these shall pass their judgments.

Composition of Anti-terrorism Court of Appeal

- 14- The Chief Justice shall compose anti-terrorism courts of appeal based on a warrant to be issued by him.

Anti-terrorism Prosecution Attorneys Bureau

- 15- (1) The Minister of Justice shall compose a special Prosecution Attorneys Bureau, or more than one, and be cited as “ Anti-terrorism Prosecution Attorneys Bureau” to carry out investigations and be responsible for exercising persecution before anti-terrorism courts.
- (2) The Minister of Justice shall, in the same warrant mentioned in item 1 above, specify the procedures which should be followed by anti-terrorism Prosecution Attorneys Bureaux in carrying out inquiry and exercising prosecution before anti-terrorism courts.

Appeal

- 16- Any person against whom a sentence is passed in accordance with the provisions of this Act, may submit an appeal to the anti-terrorist court.

Confirmation of judgment

- 17- Any sentence to be passed by anti-terrorism court on death or imprisonment for life, shall be referred to the court of appeal for confirmation. However, capital sentence shall not be executed without obtainment of the approval of the President of the Republic.

General Provisions

Confiscation of Real Estate, Funds and Equipments

- 18- (1) In addition to any other penalty imposed by the respective court in accordance with the provisions of this Act or any other Act , all real estates or funds or equipments or weapons or means of transportation or other items proved to be used for the commitment or attempt or facilitation or assistance in terrorist offences or in concealment of persons who scheme or commit or incite or persons accused thereof or encourage commitment thereof by talk or deed or publication or denial or consent of commission of such offences, with the knowledge of the real-estate owner, whether such a real-estate is used directly by him or by his subordinates or his employees, shall be confiscated.
- (2) In addition to any other penalty imposed in accordance with the provisions of article (1) above, the court may - upon establishment of engagement of the accused-person in a terrorism offence by way of commission or incitement or attempt or participation or scheming or facilitation or assistance or encouragement by way of talk or deeds or publication of concealment of perpetrators - decide to confiscate any funds or real estates or equipments or any outstanding accounts possessed by the accused and deprive him from any benefits or investment of any resources or other funds either inside or outside the Sudan.
- (3) Properties confiscated according to the provisions of article (2) shall be allocated to the competent anti-terrorism entities or any other entities.

Deportation of Expatriates

- 19- The court decision on any expatriate convicted of commitment or attempt or incitement of an offence or providing financial or technical assistance to perpetrators shall include his deportation or exile from the country or extradition procedures in accordance with the law to any country affected by the terrorist offence.

Termination of Expatriates' Residence Permit or Issue of Notice to Leave the Country

- 20- (1) Depending on the circumstances, a notice may be issued to an expatriate to leave the country within two weeks at least or be deported immediately in case of availability of evidence that the reason for entry in the country is to commit a terrorist offence.
- (2) A warrant on termination of the expatriate residency may be issued after the expiry of the notice; in this case the legal procedures included in the provision of this Act are to be applied.

Power of issuing regulations

- 21- The Chief Justice may, in consultation with the Minister of Justice, issue the regulations required to see to the implementation of the provisions given in this Act.