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SUDAN LEGAL AMENDMENTS Explanatory Table

This document provides a breakdown of some of the recent amendments published by the Government of Sudan in the Official Gazette No 1904 on 13 July 2020. It only covers changes to the Criminal Law Act 1991, the Criminal Procedure Act 1991 and the National Security Act 2010. It compares the amendments to the original legislation, based on the English translations prepared by REDRESS. The document is intended to make it easier for readers to understand the changes which have been made. All English translations are unofficial.

MISCELLANEOUS AMENDMENTS LAW OF 2020 (REPEAL OR AMEND THE PROVISIONS RESTRICTING FREEDOMS) LAW NO. 12 OF 2020

Amendments to the Criminal Law Act 1991

	Old provision	Change
Article 3	Interpretation and explanation – the term “adult” was defined as “a person whose puberty has been established by definite natural features and has completed fifteen years of age”.	The definition of “adult” is replaced with “Every person who has completed 18 years of age”.
Article 9	Act of a child – age of responsibility for “care and reform measures” was seven years of age.	Age of responsibility increased to twelve years of age.
Article 25(2)(b)	Mode of responsibility – abetting; punishment included flogging.	Deleted the punishment of flogging.
Article 27	Penalties – death Clause 1 – Death by hanging, stoning or in the same manner that the offender caused death. Clause 2 – With the exception of Hudud and retribution (<i>qisas</i>) offences, death sentence shall not be passed against any person, who has not attained the age of eighteen, or who exceeds seventy years of age.	Clause 1 – Removed the phrase death in the same manner that the offender caused death. Clause 2 – Deleted clause 2 and replaced it with: “2) Death sentences may not be imposed on anyone who has not attained the 18 years of age 3) Death sentence is not permissible on anyone who has reached the age of seventy except in Hudud and retribution crimes”

	Old provision	Change
Article 28(3)	Retribution – (3) In the case of murder, retribution shall be death by hanging and, if the court sees fit, it shall be in the same manner in which the offender has caused death.	Removed the phrase “if the court sees fit, it shall be in the same manner in which the offender has caused death.”
Article 30(4)	Retribution – (4) Where the offender amputates three parts, or more of one, or several victims, all of which are punishable with retribution he may be punished with retribution, for what he has amputated, or with death.	Removed “death” and replaced with “blood money”.
Article 38(2)	Pardon of the offence – (2) The execution of retribution shall not be remitted, save with pardon of the victim or his relative.	Added, “or any of the direct family” to the end of the clause.
Article 42(1)	Blood money – (1) Dia (blood-money) is one hundred camels of different ages, or its equivalent value in money as the Chief Justice may determine from time to time, after consultation with the competent bodies.	Clause 1 is deleted and replaced with: “blood money is determined by law”.
Article 47	Measures prescribed for juveniles The court may apply the following measures, against an accused juvenile, who has completed seven years of age, at the time of committing the criminal act, but not eighteen years of age: (a) reprimanding, during the sessions in the presence of his guardian; (b) flogging, not exceeding twenty lashes, by way of discipline; (c) handing over the juvenile, to his father, or any other trustworthy person, after undertaking to properly look after him; (d) placing the juvenile, under social supervision, for a period, not less than one year, and not exceeding two years;	The word “seven” is replaced with “twelve”. Paragraph (b) is deleted and replaced with: “(b) To be put under the social monitoring or implement the measures prescribed to serve the society in accordance with the law.” Paragraph (d) – delete the phrase “and not exceeding two years”.

	Old provision	Change
	(e) sending him to be detained in any of the reformation and social welfare institutions, for the purpose of reforming and educating him, for a term not less than two years, and not exceeding five years.	
Article 47A	New provision	<p>Article 47A – Referral outside the judicial system</p> <p>“the prosecution or the court, may refer a case of a child to any societal body determined by the prosecution or the court, provided that it make clear in the assignment decision the conditions and criteria that apply to the child offender”.</p>
Article 47B	New provision	<p>Measures established for pregnant women or breastfeeding women accompanied by children</p> <p>(1) Except for crimes punishable by death penalty and crimes punishable by at least five years imprisonment, the court may apply the community service measures to pregnant and breastfeeding women and women accompanied by children under five years of age.</p> <p>(2) For the purpose of applying the item (1) community service measures means committing herself to perform social services in her own social environment or enrolling her in a training, professional, cultural, social or sport courses or any other social services.</p>
Article 65	Criminal and terrorist organisations	Added the word “and groups” or “group” after the word “organisations” or “organisations” .

	Old provision	Change
Article 68	Penalty for rioting	Deleted the words “or with flogging, not exceeding twenty lashes”.
Article 69	Penalty for disturbance of public peace	Deleted the words, “or with flogging, not exceeding twenty lashes”.
Article 73	Stopping work in a manner causing danger to life or injury to the public	Adds the words “without legitimate cause” after the word “work”.
Article 78	Drinking alcohol and nuisance: (1) Whoever, being a Muslim, drinks alcohol, or possesses, or manufactures the same, shall be punished, with flogging forty lashes.	Removes the words “or possesses, or manufactures”.
Article 79	Dealing in alcohol: “Whoever deals in alcohol, by storing, sale, purchase, transport, or possesses it with the intention of dealing therein with others, or mixing the same with food, drink or in any substance used by the public, or advertises or propagates, for it in any way, shall be punished, with imprisonment, for a term, not exceeding one year, or with fine. In all cases alcohol, which is the subject of dealing, shall be destroyed.”	Deletes Article 79 and replaces it with: “Every Muslim is considered committing a crime if he/she is dealing in alcohol by buying or selling, and every person who deals with a Muslim in alcohol by buying or selling, or making, transferring, storing or possessing alcohol if the person is a Muslim or was intending to deal with Muslims, providing it or entering it into food or a drink or in a material that the public uses, or announces or promotes it in any way, it is punishable by imprisonment for a period not exceeding a year, and it is also permissible to punish him with a fine. In all cases, the alcohol involved is to be destroyed.”
Article 80	Gambling or running a place for gambling – (1) punishable by imprisonment for one year, a fine, or flogging not exceeding twenty-five lashes.	Deletes the words, “or flogging not exceeding twenty-five lashes”.
Article 81	Habitual commission of certain offences – committing an offence in Article 78, 79 or 80 three times, punishable by	Deletes the words “or by flogging not exceeding eighty lasher or both” and

Old provision	Change
<p>three years imprisonment or flogging not exceeding eighty lashes or both.</p>	<p>replaces it “without prejudice to the <i>Hudud</i> punishment”.</p>
<p>Article 115 Influencing the course of justice</p> <p>Clause 2 – “Every person who, having public authority entices, or threatens, or tortures any witness, or accused, or opponent to give, or refrain from giving any information in any action, shall be punished, with imprisonment, for a term, not exceeding three months, or with fine, or with both.”</p>	<p>Deleted clause 2 and replaced with:</p> <p>“Any person with public authority who engages in physical or mental torture against a witness or accused or an opponent to make evidence or for a person or others to refrain from providing any information in any law case or incites or helps another person to do so shall be punished with imprisonment for a period not exceeding 3 years with the fine.”</p>
<p>Article 125 Insulting religious creeds:</p> <p>“Whoever, by any means, publicly abuses, or insults any of the religions, their rites, or beliefs, or sanctities or seeks to excite feelings, of contempt and disrespect against the believers thereof, shall be punished, with imprisonment, for a term, not exceeding one year, or with fine, or with flogging which may not exceed forty lashes.”</p>	<p>After the words “by any means” add the words “noble beliefs or”.</p> <p>Delete the phrase “or with flogging not exceeding forty lashes”.</p>
<p>Article 126 Apostasy:</p> <p>(1) There shall be deemed to commit the offence of apostasy, every Muslim, who propagates for renunciation of the creed of Islam or publicly declares his renouncement thereof, by an express statement, or conclusive act.</p> <p>(2) Whoever commits apostasy, shall be given a chance to repent, during a period to be determined by the court; where he insists upon apostasy, and not</p>	<p>Delete Article 126 and replace it with the following:</p> <p>Expiation of persons, denominations and groups</p> <p>“126- Anyone who publicly declares the apostasy of a person, sect or group of persons to express their religion or beliefs, or announces the expiation of that person or that group or declares killing someone lawful, shall be punished with imprisonment for a period not</p>

	Old provision	Change
	<p>being a recent convert to Islam, he shall be punished with death.</p> <p>(3) The penalty provided for apostasy shall be remitted whenever the apostate recants apostasy before execution.</p>	<p>exceeding ten years, or with a fine or both.”</p>
Article 128	Trespassing on the dead and any cemetery	After the word “religious” add the phrase “or according to noble beliefs of non-Muslims and people of other religions”
Article 141A	New article	<p>Female genital mutilation</p> <p>141 A - (1) Any person who removes or mutilates the female genital organ is considered to be the perpetrator of carrying out an adjustment, or modification of any natural part of it that leads to its function being wholly or partly gone, whether it is inside a hospital, health centre, dispensary, clinic or other places.</p> <p>(2) Anyone who commits the crime of female genital mutilation shall be punished with imprisonment for a term not exceeding three years and a fine, and the place where the crime is committed may be closed.</p>
Article 148(2)	<p>Punishment for offence of sodomy</p> <p>(a) whoever commits the offence of sodomy, shall be punished, with flogging a hundred lashes, and he may also be punished, with imprisonment, for a term, not exceeding five years;</p> <p>(b) where the offender is convicted for the second time, he shall be punished,</p>	<p>(a) delete the phrase “flogging with one hundred lashes and he may also be punished”</p> <p>(b) Delete paragraph (b) and replace with “If the perpetrator is convicted for the</p>

	Old provision	Change
	<p>with flogging a hundred lashes, and with imprisonment, for a term, not exceeding five years;</p> <p>(c) where the offender is convicted for the third time, he shall be punished, with death, or with life imprisonment.</p>	<p>second time, he/she shall be punished with imprisonment for a prison term not exceeding seven years.”</p> <p>(c) Delete the words “with death or”</p>
Article 149	<p>Punishment for rape</p> <p>Whoever commits the offence of rape, shall be punished, with flogging a hundred lashes, and with imprisonment, for a term, not exceeding ten years, unless rape constitutes the offence of adultery, or sodomy, punishable with death.</p>	<p>Deleted and replaced with:</p> <p>Whoever commits the crime of rape shall be punished with life imprisonment without prejudice to the <i>Hudud</i> punishment of adultery</p>
Article 151	<p>Punishment for gross indecency</p> <p>(1) [...] he shall be punished, with flogging, not exceeding forty lashes, and he may also be punished, with imprisonment, for a term, not exceeding one year, or with fine.</p> <p>(2) [...] the offender shall be punished, with flogging not exceeding eighty lashes, and he may also be punished, with imprisonment, for a term, not exceeding two years, or with fine.</p>	<p>Clause 1 – delete the phrase “by flogging not exceeding forty lashes and may also be punished”</p> <p>Clause 2 – delete the phrase “by flogging not exceeding eighty lashes and may also be punished”</p>
Article 152	<p>Indecent and immoral acts</p> <p>(1) Whoever commits, in a public place, an act, or conducts himself in an indecent manner, or a manner contrary to public morality, or wears an indecent, or immoral dress, which causes annoyance to public feelings, shall be punished, with flogging, not exceeding forty lashes, or with fine, or with both.</p>	<p>Article 152 repealed and replaced with:</p> <p>Obscene acts: “Anyone who commits an act of a sexual nature in a public place or issues signals with sexual meanings that cause harassment of the public’s feeling or public modesty, shall be punished with imprisonment for a period not exceeding six months, or with a fine or with both penalties.”</p>

Old provision	Change
<p>(2) The act shall be deemed contrary to public morality, if it is so considered in the religion of the doer, or the custom of the country where the act occurs.</p>	
<p>Article 153 Materials and displays contrary to public morality</p> <p>(1) Whoever manufactures, photographs, possesses or handles any material contrary to public morality, shall be punished, with imprisonment, for a term, not exceeding one month, or with flogging, not exceeding forty lashes, and he may also be punished with fine.</p> <p>(2) Whoever deals in materials contrary to public morality, or manages an exhibition or theatre, or entertainment club, or show house, or any public place, and presents therein materials, or displays contrary to public morality, or allows the display thereof, shall be punished, with flogging, not exceeding sixty lashes, or with imprisonment, for a term, not exceeding three years, or with both.</p> <p>(3) The court shall, in all cases, order the destruction of the materials which contradict public morality, and the forfeiture of any equipment and instruments used in such display and an order may also be passed for the closing of the premises.</p>	<p>Deleted and replaced with:</p> <p>(1) Whoever makes, designs, trades or possesses material that violates public morals, shall be punished by imprisonment for a period not exceeding one month, and may be punished with a fine.</p> <p>(2) Substances that violate public morals are any expression of sound, picture, drawing, or words intended to arouse the instincts of the recipient, with the exception of articles of moral, artistic, scientific, and cultural or heritage value.</p> <p>(3) Whoever deals in materials that violate public morals or manages an exhibition, theatre, cabaret, showroom, or any public place that submits material or shows that violates public morals or allows it to be presented, shall be punished with imprisonment for a period not exceeding three years</p> <p>(4) In all cases, the court may order the extermination of material against public morals and the confiscation of devices and equipment used in its display. A</p>

Old provision	Change
	court may also order the closure of the venue.
<p>Article 154 Prostitution</p> <p>(1) There shall be deemed to commit the offence of practising prostitution, whoever is found in a place of prostitution so that it is likely that he may exercise sexual acts, or earn therefrom, and shall be punished, with flogging, not exceeding hundred lashes, or with imprisonment, for a term, not exceeding three years.</p> <p>(2) Place of prostitution means any place designated for the meeting of men, or women, or men and women between whom there are no marital relationship, or kinship, in circumstances in which the exercise of sexual acts is probable to occur.</p>	<p>Deleted and replaced with:</p> <p>“(1) A perpetrator of the crime of prostitution is a person who is in a place of prostitution, with the intention of providing a service of a sexual nature to another with or without compensation, with no legal relationship between them, and he shall be punished by imprisonment for a period not exceeding three years.</p> <p>(2) The place of prostitution means any place intended to engage in prostitution or the one whose convictions have been previously convicted or whose complaints have been repeated to the competent authorities”.</p>
<p>Article 155 Penalties for running a place for prostitution</p>	<p>In clause (1) and (2), delete the phrase “with flogging, not to exceed one hundred lashes”.</p> <p>In clause (3), delete the words “by death or”.</p>
<p>Article 156 Seduction</p>	<p>Delete the phrases “by flogging, not to exceed one hundred lashes”.</p>
<p>Article 160 Insult or abuse</p>	<p>Delete the phrase “by flogging, not to exceed twenty-five lashes”.</p>
<p>Article 170 Capital theft</p> <p>Clause 5 - The Nisab shall be a Dinar of gold weighing 4.25 grams., or its value in money, according to what the Chief Justice may determine, from time to</p>	<p>Delete clause 5 and replace with:</p> <p>“The size of <i>Hudud</i> theft is determined by law”.</p>

	Old provision	Change
	time, in consultation with the competent bodies.	
Article 173	Penalty for capital theft	Delete the phrase “and he may also be punished with flogging, not exceeding one hundred lashes”.
Article 174	Theft	Delete the phrase, “or with flogging, not exceeding one hundred lashes”.

Amendments to the Criminal Procedure Act 1991

	Old provision	Change
Article 4(d) and (h)	Principles to be regarded In the application of the provisions of this Act, due regard shall be had to the following principles:- (d) the life and property of the accused is inviolable, he shall neither be forced to incriminate himself, nor shall he be required to take the oath, save in otherwise than hudud offences to which a private right of a third party relates.	4(d) deleted and replaced with: “It is prohibited to torture or assault the accused in any way and not be compelled to provide evidence against himself.” 4(h) is added: “Respect for human dignity, and it is prohibited to prejudice the honour of any person or to degrade him/her to the extent necessary to respect his/her privacy.”
Article 38	Period of limitation of the criminal suit	At the beginning of the clause, the following is added: “Except for crimes against the state, crimes against public money, corruption crimes, crimes of a continuing nature, and any crime that has prevented their discovery, knowledge, or litigation in relation to them a compelling force or a ruling power.”

Amendments to the National Security Act 2010

	Old provision	Change
Article 25	<p>Powers of the Council</p> <p>The Council shall exercise the following powers in accordance with the law:</p> <p>(a) Demand information, data, documents or things from any person with a view to examining or keeping them or otherwise take whatever NSS thinks appropriate or necessary.</p> <p>(b) Summon and interrogate people and take statements therefrom.</p> <p>(c) Monitoring, investigation and search.</p> <p>(d) Seize moneys and assets in accordance with law.</p> <p>(e) Arrest and detain individuals in accordance with the provision of Article (50) of this Act.</p>	<p>Article 25 was deleted and replaced with the following:</p> <p>“The agency may request information, data, documents or things from any person and view or keep them.”</p>
Article 50	Powers of the members, director and council	Repealed
Article 51	Rights of arrested and detained persons in custody	Repealed
Article 52	Immunities of members and associates	Repealed
Article 53	Prohibition of seizure of assets	Repealed

CRIMINAL LAW (AMENDMENT) OF 2020 (LAW NO. 15 OF 2020)

Amendments to the Criminal Law Act 1991

	Old provision	Change
Article 92	<p>Impersonating a public servant</p> <p>Whoever dishonestly impersonates a public servant, or claims, or pretends that he is the same, or wears the dress of a public servant, shall be punished, with imprisonment, for a term, not exceeding two years, or with fine, or with both.</p>	<p>Delete the words “two years” and replace with “ten years”.</p>