

LAWS OF SOUTH SUDAN

**National Security Service Act, 2014
(Amendment) Bill, 2019**

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In accordance with the provisions of Article 55 (3) (b), read together with the provisions of Article 85 (1) of the Transitional Constitution of the Republic of South Sudan, 2011 (as amended), the Transitional National Legislature hereby enacts the following:

Chapter I Preliminary Provisions

1. Section 1 of the National Security Service Act, 2014 hereinafter referred to as the Act, shall be amended by deleting and substituting it to read as follows:

1. ***Title and Commencement***

- This Act may be cited as “The National Security Service Act, 2014 (Amendment) Act, 2019” and shall come into force on the date of its signature by the President.*

2. Section 4 (1) and (2) shall be amended by deleting the word “**National**” before the word “**Government**” and substituting it with a new expression to read as follows:

4. ***Authority and Application***

- (1) *This Act is enacted pursuant to Articles 159, 160 and 161 and Schedule A (2) of The Constitution which gives the Revitalized Transitional Government of National Unity competence to establish and organize a National Security Service at all levels of the government.*

- (2) *This Act shall apply to all officers, non-commissioned officers, privates and persons employed or seconded to the Service.*

3. Section 5 of the Act shall be amended to read as follows:

5. ***Interpretation***

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

- (a) *The word Agreement and its definition shall be added in the Act to read as follows:*

- “Agreement”*** means the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan, signed on 12th September 2018

- (b) The definition of the word “**Assembly**” shall be amended by adding the word “**Transitional**” before the expression “**National Legislative Assembly**” to read as follows:

“Assembly” means the Transitional National Legislative Assembly.

- (c) The definition of the expression **“Code of Criminal Procedure 2008”** shall be amended by adding the word, **Act, 2008** after the expression **“Code of Criminal Procedure”** to read as follows:

“Code of Criminal Procedure” means the Code of Criminal Procedure Act, 2008 of the Republic of South Sudan.

- (d) The word **“Constitution”** and its definition shall be added in the Act to read as follows:

“Constitution” means the Transitional Constitution of the Republic of South Sudan, 2011 (as amended);

- (e) The expression **“Cruel, Inhuman and Degrading Treatment”** and its definition shall be added in the Act to read as follows:

“Cruel, Inhuman and Degrading Treatment” means a deliberate and aggravated treatment or punishment not amounting to torture inflicted by a person in authority or the agent of the person in authority against a person under his or her custody, causing suffering and gross humiliation to the person.

- (f) The definition of the word **“Government”** in the Act shall be amended by deleting and substituting it to read as follows:

“Government” means the Revitalized Transitional Government of National Unity (RTGoNU);

- (g) The definition of the word **“Minister”** in the Act shall be amended by deleting and substituting it with a new definition to read as follows:

“Minister” means the Minister for National Security;

- (h) The word **“Ministry”** and its definition shall be added to the Act shall be read as follows:

“Ministry” means the Ministry of National Security;

- (i) The definition of the word **“Enemy”** in the Act shall be amended by deleting the word **“Unnatural”** before the word person and substituting it with the word **“legal”** to read as follows;

“Enemy” means a natural or legal person who or which is;

(a) In a state of war with the Republic of South Sudan;

(b) Threatening security of the Republic of South Sudan;

(c) Carrying out an act of sabotage or terrorism against South Sudan;

(d) *Is in collaboration with the enemy in (a, b & c);*

- (j) The definition of the expression “**Security Clearance**” in the Act shall be amended by adding the word “**Marked**” before the expression “**restricted area**” to read as follows:

“Security Clearance” means permission granted to a person to access a marked restricted area.

- (k) The definition of the expression “**Organized Force**” in the Act shall be repealed.

- (l) The definition of the expression “**Penal Code**” in the Act shall be amended by adding the expression “**Act, 2008**” after the expression “**Penal Code**” to read as follows:

“Penal Code” means the Penal Code Act, 2008 of the Republic of South Sudan.

- (m) The word “**Terrorism**” and its definition shall be added into the Act to read as follows:

“Terrorism” means the unlawful use or threatened use of force or violence against individuals or property in an attempt to coerce or intimidate governments or societies to achieve political, religious or ideological objectives;

- (n) The word “**Torture**” and its definition shall be added into the Act to read as follows:

“Torture” means any act by which severe pain or suffering whether physical or mental is intentionally inflicted on a person for the purpose of:

- (i) *obtaining information or a confession from the person or from a third person;*
- (ii) *punishing the person for an act which that person or a third person has committed or is suspected of having committed;*
- (iii) *intimidating or coercing that person or a third person; or*
- (iv) *for any reason based on discrimination of any kind when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.*

4. Section 6 (1), (b), (c) and (d) of the Act shall be amended by deleting and substituting the paragraphs and further adding new paragraphs (h), (i), (j), (k), (l), (m), (n), (o) and (p) to read as follows:

6. Guiding Principles of National Security Service

The National Security Service shall:

- (b) be subordinate to civilian authority;*
 - (c) respect the rule of law, democracy, human rights and fundamental freedoms;*
 - (d) reflect the diversity of the people of South Sudan in its recruitment, including through respect for gender equity;*
 - (e) pre-empt and control and notify relevant authorities and agencies;*
 - (h) observe and uphold the Bill of rights enshrined in the Constitution;*
 - (i) prevent gender based violence including rape and sexual harassment;*
 - (j) prevent and combat corruption within it's establishment;*
 - (k) promote transparency and accountability;*
 - (l) prevent the recruitment and use of child soldiers;*
 - (m) respect and ensure full compliance with international humanitarian law and human rights law;*
 - (n) protect the needs of women, girls and people with special needs;*
 - (o) refrain from participation and involvement in any political activities, trade union or labour union, or any society, institution or association with political objectives; and*
 - (p) be non partisan and serve with integrity.*
5. The title of Section 7 (1) of the Act shall be amended by deleting the word “**crimes**” and further adding the expression “**Act 2008**” after the expression Penal Code to read as follows:

7. Offences against the State

- (1) Offences against the state as prescribed in the Penal Code, Act 2008 and any applicable law.*

Chapter II

Establishment, Structures, Functions and Powers of National Security Service

6. Section 8 (1) of the Act shall be amended by adding the word “**Security**” before the word “**Service**” and further adding the word “**the**” before National Security and further amending subsection (2) to read as follows:

8. Establishment

- (1) There shall be established a security service to be known as the National Security Service hereinafter referred to as the Service.*

- (2) *The Service shall be headed by a Minister who shall be accountable to the President, Presidency, National Council of Ministers and the Assembly;*
7. Section 9 (1) (a), (b) and (4) of the Act shall be amended by deleting and substituting it to read as follows:

9. Structures of the Service

- (1) *The Service shall have the following organs:*
- (a) *Internal Security Bureau; and*
 - (b) *General Intelligence Bureau.*
- (4) *The organs above shall be assisted by a Legal Department that shall be headed by at least a Senior Legal Counsel.*
8. The title of Section 10 and subsection (1) of the same shall be amended by deleting and substituting it to read as follows:

10. National Security Council

- (1) *There shall be established a council to be known as the National Security Council. The National Security Council shall consist of the following:*
- (a) *President of the Republic, Chairperson;*
 - (b) *First - Vice-President of the Republic, Deputy Chairperson;*
 - (c) *Four Vice Presidents, members;*
 - (d) *Minister responsible for Defence and Veterans Affairs, member;*
 - (e) *Minister responsible for Foreign Affairs and International Cooperation, member;*
 - (f) *Minister responsible for Justice and Constitutional Affairs, member;*
 - (g) *Minister responsible for Finance and Planning, member*
 - (h) *Minister responsible for Interior, member; and*
 - (i) *Minister responsible for the National Security Service, secretary.*
9. Section 11 (1) (a) and (b) shall be amended by adding and restructuring the subsection and further adding new paragraph (g) to read as follows:

11. Powers and Functions of the Council

- (1) *The Council shall:*
- (a) *define the general policy and any specific trend related to the security of the nation and national interest;*
 - (b) *oversee the progress of security work;*
 - (g) *review national security needs and goals.*

Chapter III

Functions and Powers of the Service

10. Section 13 (2), (8), (11), 14 and (15) in the Act shall be amended by deleting and substituting and adding new paragraphs (16), (17) and (18), and further repealing sub section (9) and renumbering the sub sections accordingly to read as follows:

13. Functions and Powers of the Service

The Service shall:

- (2) *Monitor, investigate and gather information for the purpose of providing security assessment on persons and places it reasonably suspects to be security risk and threats to security of the state in accordance with the Constitution and the Law;*
 - (3) *Conduct search of suspects and places related to crimes or offences against the State in accordance with the provisions of the Constitution and the law;*
 - (8) *Detect and pre-empt any destructive activities by any organization, group or individuals, foreign country or South Sudanese group inside or outside South Sudan;*
 - (11) *Monitor frequencies, wireless systems, publications, broadcasting stations and postal services, in respect to security interests, to prevent misuse by users, in accordance with law;*
 - (14) *Seize weapon, machine, tool, auto mobile or any gadget reasonably suspected to be connected with an offence or crime against the state;*
 - (15) *Arrest under emergency circumstances and hand over to the nearest police station suspects, in accordance with the provisions of this Act in crimes related to national security as provided for under section 7 of this Act, in accordance with the Constitution and applicable Law;*
 - (16) *Support the National Security Council in the development of policies on national security;*
 - (17) *Establish and administer intelligence and security training and research institutions;*
 - (18) *Obtain a court warrant to conduct surveillance by employing lawful mechanisms on any suspected person or place; and*
 - (19) *Carry out any other function assigned to it by law.*
11. A new Section 14 shall be added in the Act and subsequent Sections renumbered accordingly to read as follow:

14. Restriction on Exercise of Power

- (1) *No personnel of the Service shall summon any person, search or seize any property following intelligence gathered pursuant to Section 13 of this Act*

unless the action has been sanctioned by the Minister or any other authority as the Minister may direct.

- (2) *No personnel of the Service shall have power to search or seize any property or summon, arrest, detain or confine any person by virtue only of being a personnel of the Service.*

12. The title of Section 14 in the Act shall be amended by adding the expression “**Powers and**” before the word “**Functions**” and renumbering it to read as follows:

15. Powers and Functions of the Minister

13. Section 15 (1) and (2) of the Act shall be amended by deleting and substituting it to read as follows:

16. Appointment and Removal of Directors General

- (1) *The two Directors General of the operational organs of the Service shall be appointed by the President provided that during the Transitional period, the President shall consult and agree with the First Vice President, the Four Vice Presidents and with the approval of the National Security Council.*
- (2) *The President may during the Transitional Period after consultation and agreement with the First Vice President and the Four Vice Presidents remove a Director General who:*

14. Section 18 (1) and (2) (c) of the Act shall be amended by adding the expression “**and Constitutional Affairs**” after the word “**Justice**” to read as follows:

19. Appointments and Functions of Members of the Legal Department

- (1) *Members of the Legal Department referred to under the provisions of Section 9 (4) of this Act shall be assigned by the Minister of Justice and Constitutional Affairs.*
- (2) *The legal department shall be headed by a senior legal counsel and shall perform the following functions:*
- (c) *ensure that cases being handled by the service are expedited and promptly referred to court;*

Chapter IV

Mechanisms for Overseeing Operations of the Service

15. Section 19 in the Act shall be amended by restructuring it into two subsections (1) and (2) to read as follows:

20. Oversight by the Assembly over the Service

- (1) *The Minister shall submit an annual report to the Assembly on matters related to the performance of the Service and security status of the country.*
 - (2) *The Assembly shall at any time when it deems appropriate summon the Minister or any of the Directors General of the Service to appear before it to answer any questions that may relate to the Service or its operation.*
16. Section 20 (1) (a) and (b) of the Act shall be amended by adding the expression “**Security Service**” to the title of the Section and deleting and substituting sub section (1) and its paragraphs to read as follows:

21. Security Service Complaints Board

- (1) *There shall be established a Security Service Complaints Board whose members shall be appointed by the President in consultation and agreement with the First Vice President and the Four Vice Presidents with the approval of the National Security Council during the Transitional Period and upon recommendation of the Judicial Service Commission.*
 - (a) *A chairperson who is qualified to hold or has held office as a judge of the High Court;*
 - (b) *Four other members of whom:*
 - (i) *One person seconded from the South Sudan Human Rights Commission who shall be qualified in law and human rights.*
 - (ii) *One shall be an advocate of not less than 5 years standing;*
 - (iii) *One shall be a woman judge or advocate of at least 3 years standing; and*
 - (iv) *One shall be a religious leader of national repute.*
17. Section 21 in the Act shall be amended by adding a new subsection (9) and renumbering subsequent subsections accordingly to read as follows:

22. Functions of the Board

- (9) *A complaint brought before the Board against the Service or any member of the Service shall not bar further proceeding on the same matter in a court of law.*

Chapter V

Technical Security Committee

18. Section 22 (2), (4), (7), (8) and (9) of the Act shall be amended by deleting and substituting it to read as follows:

23. Establishment of the Technical Security Committee

There shall be established a committee to be known as the Technical Security Committee consisting of:

- (2) *Chief of Defence Forces of the South Sudan National Army, member;*

- (4) *The Director of Military Intelligence of the South Sudan National Army, Member;*
 - (7) *Undersecretary of the Ministry responsible for Foreign Affairs and International Cooperation, member;*
 - (8) *Undersecretary of the Ministry responsible for Justice and Constitutional Affairs, member;*
 - (9) *Undersecretary of the Ministry responsible for Finance and Planning, member;*
19. Section 23 (1) of the Act shall be amended by deleting the word “**available**” after the word “**submit**” and before the word “**information**” to read as follows:

23. *Functions of the Technical Security Committee*

(1) Submit information about the general situation of internal and external security of the nation together with proposals and recommendations to the National Security Council

20. Section 25 (7) of the Act shall be amended by deleting and substituting the abbreviation “**SPLA**” with the expression “**South Sudan National Army**” to read as follows:

26. *Establishment of State Security Committee*

(7) The Commander of South Sudan National Army in the state, member

21. Section 28 (2) of the Act shall be amended by deleting and substituting the abbreviation “**SPLA**” with the expression “**South Sudan National Army**” to read as follows:

29. *Establishment of County Security Committee*

(2) Commander of South Sudan National Army in the county.

Chapter VI
Restriction on Information of the Service

22. Section 32 in the Act shall be amended by adding, deleting and substituting it to read as follows:

33. *Gathering of Information*

The Service shall gather and retain information related to any person, persons or institutions as is necessary for carrying out its duties and functions in accordance with this Act and the law.

23. New Sections 34 and 35 shall be added in the Act and subsequent Sections renumbered accordingly to read as follows:

34. *Protection of Sources of Information*

No personnel of the Service shall disclose any information obtained in the course of performance of functions under Section 13 of this Act from which the identity of:

- (a) Any other person who is or was a confidential informant or assistant to the Service shall be revealed;*
- (b) Any person who is or was an employee or officer employed in covert operational activities of the Service can be inferred.*

35. *Authorized Disclosure of Information*

Notwithstanding Sections 31 and 33 of this Act, the Service may disclose information for the purpose of performance of its duties and functions under this Act or the administration or as required by any other law and may also disclose that information:

- (a) where the information may be used in the investigation of an alleged offence under any law in force in the Republic of South Sudan to any public officer having jurisdiction to investigate the alleged offence and to the Director of Public Prosecutions or the prosecuting attorney concerned with the proceeding in respect of the alleged offence;*
- (b) where in the opinion of the Minister, disclosure of the information to any Minister or public officer is essential in the public interest and that interest clearly outweighs any invasion of privacy that could result from the disclosure, to that Minister or public office.*

Chapter VII

Eligibility for Recruitment and Appointment into the Service

24. The title of Chapter VII shall be amended by deleting and restructuring it and further adding a new subsection (3) to Section 33 in the Act to read as follows:

Chapter VII

Recruitment and Appointment into the Service

36. *Eligibility for Recruitment and Appointment into the Service*

- (3) Notwithstanding sub sections (1) and (2) of this Section, during the Transitional Period, recruitment to the Service shall be from all the forces in accordance with the unification criteria set by the Joint Transitional Security Committee as per the Constitution.*

25. Section 34 (1) and (2) of the Act shall be amended by deleting and substituting it and further adding a new subsection (3) to read as follows:

37. *Recruitment into the Service*

Recruitment into the Service shall:

- (1) Reflect the diversity of the people of South Sudan based on equitable representation of the states and counties;*

- (2) *Be based on quota system or proportional percentage of the population of the states and counties; and*
 - (3) *Comprise at least thirty five percent women.*
26. Section 37 (2) in the Act shall be amended by substituting and restructuring it to read as follows:
- 40. Recruitment of the New Officers**
- (2) *recruitment shall be based and reflect the representation of all the states and counties of the Republic of South Sudan as provided for in Section 34 of this Act.*
27. Section 38 (1) of the Act shall be amended by adding new expression after the expression **by the President** to read as follows:
- 41. Commissioning and Appointment of New Officers**
- (1) *Commissioning and appointment of officers into the Service shall during the Transitional Period be made by the President in consultation and agreement with the First Vice President and the Four Vice Presidents and with the approval of the National Security Council.*
28. Section 44 in the Act shall be amended by restructuring it into two subsections to read as follows:
- 47. Salaries, Privileges and Benefits**
- (1) *Salaries, privileges and benefits of the members of the Service shall be in accordance with the relevant public service law.*
 - (2) *Members of the Service shall be entitled to maternity or paternity leave in accordance with the applicable law and regulations.*
29. Section 45 of the Act shall be amended by restructuring and adding new subsections (2) and (3) to read as follows:
- 48. Training**
- (1) *The basic principles and standards for training programmes of members of the Service shall be prescribed in the regulations.*
 - (2) *Without prejudice to the provisions of subsection (1) of this Section, training of the unified personnel of the Service shall start at the beginning of the Pre- Transitional Period in accordance with requirement of the Service.*
 - (3) *Training of personnel selected for the Service shall continue throughout the Transitional Period.*
 - (4) *A programme of Demobilization, Disarmament and Reintegration shall continue for ineligible personnel throughout the Transitional Period.*
 - (5) *Building of the National Security Service shall be completed before the end of the Transitional Period.*

30. Section 46 (1) in the Act shall be amended by restructuring it and adding new subsection (3) to read as follows:

49. Promotions

- (1) *After consultation with the Director General of each of the operational organs, the Minister shall recommend to the President promotion of officers of the Service. The President shall prior to the promotion of officers of the Service consult and agree with the First Vice President and the Four Vice Presidents with the approval of the National Security Council.*
- (3) *Without prejudice to the provisions of subsections (1) and (2) of this Section, promotion within the Service shall be based on the following:*
- (a) *availability of a vacant position;*
 - (b) *fulfillment of the required waiting in rank;*
 - (c) *satisfactory performance report;*
 - (d) *fulfillment of the required training; and*
 - (e) *fulfillment of any other conditions as may be prescribed by the National Security Council.*

31. Section 48 (3) in the Act shall be amended by adding and restructuring it to read as follows:

51. Effect of Placement on Provisional Retirement

- (3) *Upon presentation of the report of the investigation committee formed in accordance with Section 49 (2) of this Act, the Minister may recommend to the President that the member shall resume duties with the Service or be put on retirement. The President may retire an officer of the Service in consultation and agreement with the First Vice President and the Four Vice Presidents and with the approval of the National Security Council.*

32. Section 51 (6) and (7) in the Act shall be amended by adding and restructuring it to read as follows:

54. Termination of Employment

Employment of an officer of the Service shall come to an end by a Presidential Order upon consultation and agreement with the First Vice President and the Four Vice Presidents and with the approval of the National Security Council on the recommendation of the Minister after consultation with the Director General of the operational organ concerned, based on any of the following reasons:

- (6) *Conviction for a disciplinary offence by a tribunal constituted by the Service;*
- (7) *Conviction by a court for a criminal offence;*

33. Section 53 (1) (g) in the Act shall be amended by deleting and restructuring it to read as follows:

56. Duties of a Member of the Service

- (1) *Any member of the Service shall:*
- (g) *respect human dignity and protect human rights; and*

34. Section 54 (1) and (2) of the Act shall be amended by adding and restructuring the sub sections and further adding new subsections (3) (5) and (6) and renumbering the original subsection (3) as subsection (4) to read as follows:

57. *Arrest without Warrant*

- (1) *Any person who is found committing any one of the offences against the state as provided under Section 7 of this Act or who is reasonably suspected of having committed or having attempted to commit or being about to commit such an offence shall be arrested without a warrant in accordance with Section 13 (15) of this Act.*
- (2) *Any person arrested under the provisions of this Section shall whether or not the investigations are completed be brought within 24 hours before a court in accordance with the provisions of the Code of Criminal Procedure Act, 2008.*
- (3) *Any person arrested may challenge the lawfulness of the arrest either in person or through an advocate before a court after the expiration of the 24 hours.*
- (5) *The court may on its own motion or upon application made by an advocate inquire into the detention of any arrested person and issue appropriate orders.*
- (6) *Any judge or magistrate shall at any time have the authority to inspect suspected places of detention of arrested persons by the Service and inquire into cases of suspects in confinement and issue appropriate orders in that respect.*

35. A new Section 59 shall be added into the Act and subsequent Sections renumbered accordingly to read as follows:

58. *Prisoners of War and Detainees*

All prisoners of war and detainees shall be released immediately under the supervision of the International Committee of the Red Cross as per the Agreement.

Chapter VIII
Offences, Contraventions and Penalties

36. Section 56 (1) in the Act shall be amended by adding the word “**shall**” after the word “**Minister**” to read as follows:

56. *Application of Provisions of the Penal Code to Members of the Service*

- (1) *Where a member of the Service commits an offence in contravention of the provisions of this Act and the offence committed is at the same time an offence in accordance with the provisions of the Penal Code, such a member may be tried under the provisions of this Act but the Minister shall refer the case for trial before the appropriate court in accordance with the code of criminal procedure.*

37. Section 67 of the Act shall be amended by adding a new subsection (4) to read as follows:

70. Penalties for Offences Related to Custody

A member of the Service who:

- (4) *Arrests, detains or confines in custody any person except pursuant to Sections 7 and 13 of this Act commits an offence and shall upon conviction be punished with imprisonment for a term not exceeding ten years.*

38. Sections 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 73 and 74 in the Act, shall be amended by adding the word “**Criminal**” before the word “**Offence**” wherever it appears therein.

39. Section 72 (3) in the Act shall be amended by deleting and substituting it to read as follows:

76. Penalty for Offences Related to Service Tribunals

- (3) *Intentionally abuses causes disturbance, nuisance or uses abusive words, gesture or sign during any session of a Service Tribunal with the intent of causing threat, disrespect, show of violence or disobedience commits a disciplinary contravention and shall be liable to punishment to any one or more of the penalties provided for in Section 79 of this Act.*

40. Section 73 shall be amended by adding a sentence at the end of the Section to read as follows:

77. Penalties for Improper Conduct

A member who conducts himself or herself in a way incompatible with the dignity or respect for his or her position commits criminal offence and shall upon conviction be punished with imprisonment for term not exceeding 3 years or dismissal or both. Improper conduct shall include sexual harassment within the workplace.

41. A new Section 78 shall be added in the Act and subsequent Sections renumbered accordingly to read as follows:

77. Prohibition against Torture, Cruel, Inhuman or Degrading Treatment

- (1) *A member of the Service shall not subject any person to torture, cruel, inhuman or degrading treatment.*
- (2) *A member of the Service who subjects any person to torture commits an offence and is liable on conviction to imprisonment for period not exceeding twenty five years.*
- (3) *A member of the Service who subjects any person to cruel, inhuman or degrading treatment commits an offence and shall upon conviction be liable with imprisonment for period not exceeding twenty years.*

41. The title of Section 75 (1) in the Act shall be amended by deleting and substituting it to read as follows:

80. Disciplinary Contraventions

- (1) *Any member of the Service who commits any of the following disciplinary contraventions shall upon conviction be punished with one or more of the penalties stated in Section 76 of this Act:*

**Chapter IX
Service Tribunals**

42. Section 77 (1) and (2) in the Act shall be amended by deleting, substituting and restructuring the sub sections and further adding a new subsection (3) to read as follows:

80. Establishment and Jurisdiction of Service Tribunals

- (1) *There shall be established within the Service, tribunals to try disciplinary contraventions committed by Service personnel under this Act or any other law.*
- (2) *The warrant for establishment of Service Tribunals for trial of disciplinary contraventions under this Act shall be issued by the Minister.*
- (3) *Without prejudice to the provisions of this Section, all criminal offences committed under this Act shall be referred to and tried by the ordinary criminal courts.*

43. A new Section 81 shall be added in the Act and subsequent sections renumbered accordingly to read as follows:

81. Types of Service Tribunals

The types of service tribunals shall be as follows:

- (a) *Service Tribunal*
(b) *Service Appeal Tribunal*

44. Section 78 of the Act shall be amended by deleting and substituting it to read as follows:

83. Service Tribunals Procedures

The Minister shall by regulations determine the procedures of trial of the Service Tribunals.

45. The title and content of Section 79 in the Act shall be amended by deleting and substituting it to read as follows:

84. Confirmation or Petition against a Decision of the Service Tribunal

- (1) *Confirmation of a decision issued by the Service Tribunal shall be by the concerned Director General as the case may be;*

- (2) *Any personnel dissatisfied with the decision of the Service Tribunal may appeal to the Service Appeal Tribunal;*
- (3) *The decision of the Service Appeal Tribunal shall be subject to confirmation by the Minister and shall be final.*

Chapter X

Financial Provisions

46. Sections 80 (1) and (2) of the Act shall be amended by adding and restructuring the Sections to read as follows:

85. *Service Budget*

- (1) *The Service shall have a budget under the Ministry prepared and approved each year in the national annual budget.*
- (2) *The Service shall manage its finances in accordance with the Public Financial Management and Accountability Act, 2011.*

47. Section 81 of the Act shall be amended by adding and restructuring it to read as follows:

89. *Audit of the Accounts of the Service*

The accounts of the Service shall be audited annually by the National Audit Chamber in accordance with the rules of the Public Financial Management and Accountability Act, 2011.

Chapter XI

Miscellaneous Provisions

48. Schedule II and assent of the President of the Republic of the South Sudan in the Act shall be amended by deleting and substituting them to read as follows:

Schedule II

Composition of the Service Tribunal

A Service Tribunal shall be composed of three officers with legal education background all of whom shall be of higher ranks than the accused.

Assent of the President

In accordance with provisions of Article 85 (1) of The Transitional Constitution, 2011 (as amended), I, Salva Kiir Mayardit, President of the Republic of South Sudan, hereby assent to the National Security Service Act, 2014 (Amendment) Act, 2019 and sign it into law.

Signed in Juba this.....day of the month ofin the year, 2019.

***H.E. Salva Kiir Mayardit
President
Republic of South Sudan***