

Sudan People's Liberation Movement (SPLM)
CODE OF CONDUCT AND DISCIPLINARY PROCEDURES
5 August 2015

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CHAPTER I: GENERAL PROVISIONS

Section 1: Title and Commencement

This document shall be cited as “The SPLM Code of Conduct and Disciplinary Procedures, 2015” and shall come into force on the date of its adoption by the SPLM National Convention and signature of the Chairperson.

Section 2: Purpose

The purpose of this Code of Conduct is to regulate the conduct of all SPLM members. It is applicable to all SPLM members while carrying out their functions within the Movement and in government, with the aim of strengthening ideological, organizational and personal discipline to enhance good performance.

Section 3: Authority

This document is drafted in accordance with the provisions of Article 71 of the SPLM Constitution, 2008 and Resolution 12.10 of the SPLM 2nd National Convention, 2008.

Section 4: Application

This Code of Conduct and Disciplinary Procedures shall apply to all SPLM members and Organs.

Section 5: Interpretations

In this Document, unless the context otherwise dictates, the following words and phrases shall have the meanings assigned to each respectively:

Adversary: means any person or group of persons or an organization that works to undermine the ideology, vision and objectives of the Sudan People’s Liberation Movement with the intention to destroy it.

Document: means this “Code of Conduct and Disciplinary Procedures, 2015.”

Chairperson: means the Chairperson of the Sudan People’s Liberation Movement.

Indecent Exposure: Means exposing one’s body and personality in public in a way that outrages public decency.

Member: means member of the Sudan People’s Liberation Movement.

NLC: means the National Liberation Council of the Sudan People’s Liberation Movement.

Movement: means the Sudan People's Liberation Movement.

SPLM: means the Sudan People's Liberation Movement.

PB: means the Political Bureau of the Sudan People's Liberation Movement.

State: means the Federal Republic of South Sudan, though in some context in this document, it also refers to a state level of the SPLM structures and government in the Republic.

Section 6: Duty to Abide by this Document

All members of the SPLM, without exception, shall abide by this Code of Conduct and Disciplinary Procedures as adopted or amended from time to time.

CHAPTER II: CONDUCT OF MEMBERS

Section 7: Values and Principles to be Observed and Respected

In exercise of their duties and responsibilities in the Movement and Government, every member of the SPLM shall observe and respect the following values and principles:

- 7.1 Patriotism;
- 7.2 The spirit of Comradeship;
- 7.3 Truth and Honesty;
- 7.4 Integrity;
- 7.5 Results focused approach;
- 7.6 Constant learning;
- 7.7 Impartiality, Transparency and Accountability; and
- 7.8 Embrace democracy.

Section 8: Conduct of the Members in General

A member must:

- 8.1 Be humane, humble, decent, prudent, have composure, integrity, honesty, courage and valour;
- 8.2 Work with commitment, self-sacrifice, thoroughness and offer constructive advice to others;
- 8.3 Be a role model to others;
- 8.4 Prioritize the Political Programme of the SPLM; and
- 8.5 Democratic in his/her approach and respect opinions of others as well as different cultures; and
- 8.6 Be democratic in his/her decisions and take into account the opinions of others.

Section 9: Conduct of the SPLM Leaders

- 9.1 SPLM leaders must display exemplary conduct in all activities of the Movement and the Government at all levels.

- 9.2 SPLM leaders at all levels are strictly NOT allowed to:
- 9.2.1 Poorly perform their duties;
 - 9.2.2 Arrive late or be absent from duties and meetings without justification;
 - 9.2.3 Disclose matters discussed in the meetings in an inappropriate setting;
 - 9.2.4 Disrespect their subordinates or colleagues;
 - 9.2.5 Be impatient and intolerant towards others;
 - 9.2.6 Be rulers instead of leaders; and
 - 9.2.7 Make irrational decisions that may harm the Movement, government and therefore the State.

Section 10: Conduct at Work Place

- 10.1 A member must personally fulfill the obligations assigned to him/her by the Movement.
- 10.2 In case of failure to fulfill the obligations, the member must immediately inform the relevant leadership in the Movement.
- 10.3 In case there are reasons that prevent the member from informing the relevant leadership in the Movement of his/her failure to personally fulfill the assigned obligations, the member shall return the task to the member who made the delegation initially.
- 10.4 A member must consider the following before delegating any obligation assigned to him/her by the Movement:
 - 10.4.1 The knowledge, ability and dependability of the intended delegated member; and
 - 10.4.2 The functioning, challenges, and complexity of the task at hand.
- 10.5 A member must fulfill the obligation(s) assigned to him/her by the Movement within the limits of his/her authorization.
- 10.6 Except under extra-ordinary circumstances, no member is permitted to carry out tasks in the name of the Movement without authorization.
- 10.7 Whenever necessary, a member must consult with and inform the relevant Organ

of the Movement on issues that are not well understood and when that is not possible the member shall consult with another member who is more knowledgeable on the issue(s) at hand.

- 10.8 Inspection of activities is carried out for the benefit of the organization and of the individual member in the Movement.
- 10.9 The Movement reserves the right to prohibit any member in its leadership from engaging in any other activities that would be in direct conflict with the functioning of the organization.
- 10.10 A member in the leadership of the Movement whose activities have been proven to be in conflict with the functioning of the organization shall resign from the post to which he/she was elected or appointed.
- 10.11 A member who finds it incompatible to concurrently carry out his/her own work along with the work of the Movement must immediately inform the relevant leadership of the Movement.
- 10.12 The Movement reserves the right to request a member to abandon his/her current employment and work for the organization.

Section 11: Conduct regarding the Property of the SPLM

- 11.1 No member is allowed to receive donations on behalf of the Movement without authorization.
- 11.2 A member who receives money or assets intended for the Movement shall report and hand over the received items to the appropriate Organ of the Movement.
- 11.3 In order for a member to receive money or assets intended for the Movement by others who are not members of the Movement, he/she shall have to be authorized by the Organ of the Movement at his/her level.
- 11.4 No expenditure(s) shall be undertaken on behalf of the Movement without authorization by relevant Organs of the Movement.

CHAPTER III: OFFENCES

Section 12: Classification of Offences

Offences committed under this Code of Conduct shall be classified as follows:

12.1 Serious offences;

12.2 Minor offences

Section 13: General Guiding Principles

13.1 The difference between a serious offence and minor offence lies in the degree to which the offender's conduct is directed towards destroying, subverting or neutralizing the effectiveness of the Movement.

13.2 2. In considering whether an offence should be classified as serious or minor, regard should be given to both the degree of the actual offence and the potential consequences of the conduct that led to the commission of the offence.

Section 14: Serious Offences

Any member, who commits any of the following acts, commits a serious offence against the Movement and shall be punished in accordance with the provisions of this Code of Conduct:

14.1 Waging or conspiring to wage an armed opposition against the Movement or the State;

14.2 Violation of the SPLM Constitution, Basic Documents and disobedience of orders from the Movement's leadership;

14.3 Defection;

14.4 Incitement of tribal, sectarian, communal or religious hatred;

14.5 Collaboration with:

14.5.1 The Movement's adversary;

14.5.2 Counter-revolutionary forces;

14.5.3 Intelligence or the security services of other countries; and

14.5.4 Any person or group who seriously interferes with the work of the Movement or prevents it from fulfilling its mission and objectives.

- 14.6 Sabotage and negative agitation against the SPLM;
- 14.7 Divulgence of the Movement's secrets;
- 14.8 Embezzlement, misusing or wasting resources of the SPLM or government;
- 14.9 Accepting or offering any bribe for performing or not performing any task;
- 14.10 Support for any acts not authorized by the Movement and which are detrimental to the Movement and the State;
- 14.11 Engaging in sexual or physical abuse of members/staff or abuse of office to obtain sexual or any other undue advantage from members or others;
- 14.12 Conviction in a Court of Law and sentenced to a time of imprisonment without the option of a fine for any serious crimes and other serious non-political offences;
- 14.13 Abuse of office and power to obtain any direct or indirect undue advantage or self- enrichment;
- 14.14 Self-exaltation;
- 14.15 Sowing racism, sexism, tribal chauvinism, religious and political intolerance, regionalism or any other form of discrimination;
- 14.16 Participating in organized factional activity that goes beyond the recognized norms of free debate inside the Movement and threatens its unity;
- 14.17 Behavior which brings the Movement into disrepute or which manifests a flagrant violation of the moral integrity expected of members or conduct unbecoming of a member;
- 14.18 Spreading rumors with the intention of creating conflict and division within the Movement;
- 14.19 Negative criticism of the Movement in public;
- 14.20 Disruption of Movement meetings, rallies and functions violently;
- 14.21 Defamation and character assassination; and
- 14.22 Nepotism.

Section 15: Minor Offences

Minor offences include the following:

- 15.1 Indecent exposure;
- 15.2 Drunkenness or under the influence of drugs (narcotics) while on duty;
- 15.3 Impeding the activities of the Movement;
- 15.4 Poor performance of duties and assignments;
- 15.5 Neglect of duties;
- 15.6 Assault or battery; and
- 15.7 Insubordination or abuse of subordinates.

CHAPTER IV: DISCIPLINARY MEASURES AND PENALTIES

Section 16: Disciplinary Measures

When deem necessary, the following measures shall be taken by a disciplinary committee against an accused member:

- 16.1 Advice;
- 16.2 Warning;
- 16.3 Suspension from duty;
- 16.4 Temporary suspension from the Movement for a period not exceeding three months; and
- 16.5 Redeployment.

Section 17: Penalties

The following measures shall be taken against a member who has committed an offence:

- 17.1 Official apology from the member;
- 17.2 Reprimand;
- 17.3 Demotion;
- 17.4 Temporary forfeiture of membership rights;
- 17.5 Exclusion from activities of the Movement;
- 17.6 Payment of fine;
- 17.7 Compensation;
- 17.8 Performance of useful task or community service;
- 17.9 Suspension from the Movement's post;
- 17.10 Resignation from the government post; and
- 17.11 Expulsion from the SPLM.

CHAPTER V: DISCIPLINARY PROCEEDINGS

Section 18: Guiding Principles

The disciplinary procedures at all levels of the Movement shall be guided by the following principles:

- 18.1 Discipline should not be used as a means of denying members their basic democratic rights;
- 18.2 Discipline should not be used to settle personal grudges or interfere with the privacy of members unless the conduct of the member constitutes a violation under this Code of Conduct;
- 18.3 Any person faced with disciplinary proceedings shall receive due written notice of any hearing and of the basic allegations and charges against him or her and be afforded a reasonable opportunity to make his or her defense;
- 18.4 The Disciplinary Committees must never demonstrate any prejudice during the resolution of conflicts. They must always give both parties equal opportunity to state their cases in full and permit them to invite their own witnesses;
- 18.5 All disciplinary proceedings shall be attended to as speedily as possible; and
- 18.6 The relevant Organs of the Movement shall make decisions after taking into consideration the conclusion of the Disciplinary Committee.

Section 19: Disciplinary Proceedings

- 19.1 A conduct-related complaint is lodged in writing by the accuser. The following have the right to lodge a complaint:
 - 19.1.1 All members; and
 - 19.1.2 The Movement's leaders and leaderships at all levels.
- 19.2 The complaint shall be delivered in writing or in words. When delivered in words, the complaint shall be put in writing by the recipient Organ. In that case, the complaint shall be read to the accuser who will be required to sign in writing or in fingerprint approving the complaint.
- 19.3 Complaints can be lodged to the following Organs:
 - 19.3.1 The Movement's leadership at the level the alleged offence took place;
 - 19.3.2 The General Secretariat of the Movement;

- 19.3.3 Political Bureau; and
- 19.3.4 The NLC;
- 19.4 The complaint must indicate:
 - 19.4.1 The accuser;
 - 19.4.2 The accused;
 - 19.4.3 The accusation.
- 19.5 When the relevant Organ of the Movement indicated receives the complaint as indicated in sub-section 3 above, it shall do the following:
 - 19.5.1 Conduct a primary investigation to establish the genuineness of the matter complained about; and
 - 19.5.2 Summarily settle the matter or recommend it for settlement by a Disciplinary Committee to be formed for the matter in accordance with this Code of Conduct.
- 19.6 When a Disciplinary Committee receives the complaint, it shall immediately inform the accused, request notification of receipt of the accused regarding the complaint, and demand he/she makes his/her defence within a period not exceeding twenty one (21) days. The Committee that summons the accused must establish measures to ensure that the member in question has received the summons.
- 19.7 The Disciplinary Committee shall set a date for the proceedings, and inform those concerned regarding the date, time, and venue of the proceedings.
- 19.8 In the event that the accused does not respond to the summons within the period provided for in subsection 5 above, he/she shall be notified again one more time. In case he/she fails to respond within a period of fourteen (14) days, the verdict shall be passed in his/her absence.
- 19.9 In the event that a member of the Disciplinary Committee is inclined to show bias during the proceedings, he/she shall not take part in the proceedings. The accused and the accuser have the right to demand the removal of one or more members of the panel presiding over the proceedings if he/she has a convincing reason to believe that the individual is biased.
- 19.10 Any person found guilty in a Disciplinary proceeding, or the complainant, has the right, within a period of ten (10) days, to appeal against the conviction or

sentence to the next higher Organ of the Movement.

Section 20: Offences related to Disciplinary Proceedings

Members are prohibited to obstruct the work of the disciplinary committees. This includes:

- 20.1 Deliberate concealment of evidence against the accused;
- 20.2 Creating false evidence or giving false testimony;
- 20.3 Destroying evidence;
- 20.4 Interfering with the investigation and the proceedings in order to sabotage their fulfillment;
- 20.5 Divulging information regarding an on-going investigation;
- 20.6 Using the Disciplinary Committee in any prohibited manner;
- 20.7 Refusal to produce evidence or to testify in the proceedings; and
- 20.8 Refusal to respond to questions asked by the Disciplinary Committee or any other disciplinary body authorized by the Movement.

CHAPTER VI: DISCIPLINARY COMMITTEES

Section 21: Establishment and Composition

- 21.1 There shall be established ad-hoc disciplinary committees at the national, state and county levels.
- 21.2 The disciplinary committee shall be composed of members of the Movement as follows:
 - 21.2.1 The National Disciplinary Committee (NDC) shall comprise 9 members;
 - 21.2.2 The State Disciplinary Committee (SDC) shall comprise 7 members; and
 - 21.2.3 The County Disciplinary Committee (CDC) shall comprise 5 members.

Section 22: The National Disciplinary Committee

- 22.1 The National Disciplinary Committee shall be formed by the Political Bureau from among its members and from other structures of the Movement.
- 22.2 The National Disciplinary Committee shall hear and determine violations or offences committed at the national level as well as hearing appeals from the State Disciplinary Committees.
- 22.3 Decisions of the National Disciplinary Committee shall be final except that the Political Bureau may in its discretion, review any of its decisions; provided that such review shall be regulated by standing orders of the Political Bureau.

Section 23: The State and County Disciplinary Committees

- 23.1 The State and County Disciplinary Committees shall be formed by the State and County levels upon approval by the Political Bureau.
- 23.2 The State Disciplinary Committee shall hear and determine violations or offences committed at the state level as well as hearing appeals from the County Disciplinary Committees.
- 23.3 The County Disciplinary Committee shall hear and determine violations or offences committed at the county level as well as disposing of violations and offences committed at both Payam and Boma levels.

CHAPTER VII: MISCELLANEOUS PROVISIONS

Section 24: Repeal and Saving

With the exception of the provisions in the SPLM Constitution, 2008, any provisions of an existing SPLM document which are governed by the provisions of this Document, are hereby repealed or cease to operate; provided that, all proceedings and orders taken or made there-under, except to the extent they are cancelled by or are otherwise inconsistent with the provisions of this Document, shall remain in force or effect, until they are repealed or amended in accordance with the provisions of this Code of Conduct.

Section 25: Amendment

- 25.1 This Document shall be amended by a decision passed by 2/3 majority of the National Liberation Council members.
- 25.2 An amendment shall be initiated by the Chairperson or any PB member through a written request signed by 1/3 of the PB members and shall be tabled before the NLC by the Secretary General.

Section 26: Declaration of Assets

The Movement's Chairperson, Deputy Chairperson, Members of PB and NLC, SG and National Secretaries, State and County Chairpersons and Secretaries of the Movement shall upon assumption of their offices, make confidential declarations of their assets, liabilities and income including those of their children under 18 before the NLC standing committee in charge of discipline.

Section 27: Exemption from Liability

No Member of the Movement shall be liable for any act or omission committed in the exercise or performance of his or her functions and duties with the Movement; if such acts or omissions are committed in good faith.

Signed:

Dr. Riek Machar Teny-Dhurgon
Chairman,
Sudan Peoples' Liberation Movement – SPLM,
5 August 2015.