

# **LAWS OF SOUTHERN SUDAN**

## ***The Southern Sudan Police Service Act, 2009***

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# **LAWS OF SOUTHERN SUDAN**

## **The Southern Sudan Police Service Act, 2009**

**In accordance with the provisions of Article 59 (2) (b), read together with Article 85 (1) of the Interim Constitution of Southern Sudan, 2005, the Southern Sudan Legislative Assembly, with the assent of the President of the Government of Southern Sudan, hereby enacts the following:**

### **CHAPTER I**

#### **PRELIMINARY PROVISIONS**

**1. Title and Commencement.**

This Act may be cited as the “The Southern Sudan Police Service Act, 2009” and shall come into force on the date of its signature by the President.

**2. Repeal and Saving.**

1 The New Sudan Police Act, 2003, is hereby repealed. Provided that all actions taken or orders issued in accordance with the provisions of the repealed law shall continue to operate till they are repealed or amended in accordance with the provisions of this Act.

2 Any other law governing the provisions of this Act shall cease to operate in Southern Sudan, provided that all actions taken or orders issued in accordance with the provisions of that law shall continue in effect until they are repealed or amended in accordance with the provisions of this Act.

**3. Purpose.**

The Southern Sudan Police Service Act provides for the establishment and governance of the Police Service in Southern Sudan and to enable it to prevent, combat and investigate crime, maintain law and public order, protect the people in Southern Sudan their properties, uphold and enforce the Interim Constitution of Southern Sudan, 2005 (ICSS) and the law.

**4. Authority and Application.**

1 This Act is drafted in accordance with the provisions of Articles 55 and 162(2) and paragraphs 9 and 19(7) of Schedule B of the Interim Constitution of Southern Sudan, 2005, which grants the Government of Southern Sudan the authority over the types of activities provided for in this Act.

- 1 The provisions of this Act shall apply to the following categories—
  - (a) Police officers;
  - (b) Police non-commissioned officers and constables;
  - (c) Cadets and recruits in training; and
  - (d) Any person subject to the provisions of this Act, pursuant to an order issued in accordance with the provisions of section 13(4) of this Act.
  
- 2 Notwithstanding the provisions of subsection (1) above, this Act shall be applicable to all police personnel in the police service except civilian personnel who shall be governed by the Public Service law.

## 5. Interpretation.

In this Act, unless the context otherwise requires, the following words and expressions shall have the meanings assigned to them respectively –

**“Assistant Inspector General”** means an Assistant Inspector General of the Southern Sudan Police Service appointed under section 26(2) of this Act;

**“CPA”** means the Comprehensive Peace Agreement signed on 9 January, 2005 between the Sudan People’s Liberation Movement/Army and the Government of Sudan;

**“Community policing”** means a system or method of policing that requires the police and the community to work in partnership in the provision of police services;

**“Constable”** means any police personnel other than officers and non-commissioned officers;

**“Deputy Inspector General”** means the Deputy Inspector General of the Southern Sudan Police Service appointed under section 26(1) hereof;

**“Director”** means the Head of Directorate in the headquarters as well as Head of Police Corporation;

**“Government”** means the Government of Southern Sudan (GOSS);

**“Constitution”** means the Interim Constitution of Southern Sudan, 2005 (ICSS);

**“Inspector General”** means the Inspector General of the Southern Sudan Police Service appointed under section 26(1) hereof;

**“Legal officer”** means an officer being a graduate of a recognised law school recruited to the Police Service;

**“Minister”** means the Minister of Internal Affairs of the Government of Southern Sudan;

**“Ministry”** means the Ministry in Internal Affairs of the Government of Southern Sudan;

**“Ministry of Interior”** means the Ministry of Interior of the Government of National Unity;

**“Non-commissioned officer”** means a police personnel of the rank of Lance Corporal up to Warrant Officer;

**“Officer”** means any individual in the Police Service of the rank of General downwards to Second Lieutenant;

**“Officer in Charge”** means a police personnel in charge of any police unit at any level of

the organisational structure of the Police Service;

**“Police Commissioner”** means a Police Commissioner at the State Level;

**“Police Force”** means the Southern Sudan Police Service established under this Act;

**“Police Service Personnel”** means policemen and policewomen, officers, non-commissioned officers, constables, and any category of persons subject to the provisions of this Act;

**“Police Security Branch”** means the security branch of the Southern Sudan Police Service;

**“Police Service”** means the Southern Sudan Police Service established under the provisions of this Act, to carrying out the police functions and duties and tasks in the Southern Sudan, save such tasks and duties of national nature which are carried out by the National Police;

**“Police Service Council”** means the Council under section 22 (1) of this Act;

**“President”** means the President of the Government of Southern Sudan;

**“Regulations”** means rules and professional, administrative, and organizational regulations and standards that form a unified and binding platform governing the performance and activities of the Police Service at all levels of police relations as stipulated by this Act;

**“Security Operations”** means operations carried out by the Police Service to establish law and order and combat crime;

**“Senior officer”** means the officer or the non-commissioned officer of the highest rank than those under his or her command with regard to seniority;

**“Southern Sudan”** means the geographical territory known as Southern Sudan according to the provisions of Article 1 (1) (a) of the ICSS 2005;

**“State Police”** means the units of the Southern Sudan Police Service in each of the States that performs police functions and duties at the state level;

**“Unit”** means an entity comprising of police personnel.



## CHAPTER II

### ESTABLISHMENT, FUNCTIONS, DUTIES AND POWERS OF THE POLICE SERVICE

#### 6. Establishment of Police Service.

- 1 There shall be established in Southern Sudan a Police Service to be known as the Southern Sudan Police Service and hereinafter referred (the Police Service)
- 2 The Police Service shall be a regular service with the primary responsibility of ensuring the security of citizens and maintaining public order, implementing the law, in full neutrality and honesty and adherence to the law, national and international standards.
- 3 The Police Service shall be established at—
  - (a) Government of Southern Sudan level; and
  - (b) State level.
- 4 Without prejudice to the provisions of Article 162(2) of the ICSS, the Police Service at Goss level shall—
  - (a) Provide standards, norms, policy guidance and development of State Police Service; and
  - (b) For purposes of records, keep the general lists of the police service personnel.
- 5 The Police Service shall comprise of officers, non-commissioned- officers, privates, and individuals on whom an order is issued by virtue of section 13(4) of this Act.
- 6 Competences, affiliations, and hierarchical and horizontal regulations of the Police Service shall be determined by regulations.

#### 7. Functions and Powers of the Police Services Personnel.

The functions of the Police Service shall be, but not limited to—

- (a) prevention and detection of crime according to the procedures provided for in the relevant laws;
- (b) ensure security of Southern Sudan and protecting people's lives and properties;
- (c) assume the internal security operations;
- (d) preserve lost, found, seized, and confiscated property, and dealing with such property according to the law;
- (e) carry out crime prevention awareness campaign among the public to enhance their contribution to the maintenance of security;
- (f) carry out investigations or any other criminal procedures pursuant to the provisions of the Code of Criminal Procedure Act, 2008 or any other law;

- (g) regulate traffic and issue vehicle and driving licences according to the law;
- (h) ensure safety of citizens, property and public establishments;
- (i) combat terrorism, organised crime and human trafficking;
- (j) combat illegal trafficking in drugs and narcotics;
- (k) combat smuggling and illegal trading in firearms; and
- (l) any other duties assigned to the Police Service under this Act or any other law or regulations.

## **8. Duties of Police Service.**

- 1 In order to discharge the duties provided for herein, police personnel shall have the following powers, subject to the provisions of the Code of Criminal Procedure Act, 2008 and any other law in force—
  - (a) pursue and arrest offenders;
  - (b) close roads and other public places when necessity requires;
  - (c) carry out criminal investigations under the directives of Public Prosecution Attorney;
  - (d) conduct surveillance and interrogation;
  - (e) search and seizure;
  - (f) control firearms and other hazardous materials;
  - (g) grant bonds and bails;
  - (h) issue summons;
  - (i) call on any member of the public for assistance in preventing crime; and
  - (j) any other powers entrusted thereto by any other law.
- 2 To perform the duties and responsibilities mentioned above, police personnel may use reasonable force where necessary according to the restrictions provided for by law.

## **9. Obligations of Police Service.**

- 1 Police Service personnel shall devote all his or her time and activities to performing his or her duties provided for in this Act. He or she shall also perform diligently and faithfully any duty or work assigned to him or her, bear the responsibility of all orders issued by him or her, obey at all times all legal orders given to him or her by a senior officer, and shall endeavor to implement these orders.
- 2 The Police Service Personnel shall in his or her general conduct, adhere to honesty, trust and shall likewise abide by the regulations and orders.
- 3 The Police Service Personnel shall respect the dignity of his or her position and that of the citizens, and shall behave in a way that reflects these values and which shall be in line with the code of conduct and noble values of the society.
- 4 Every Police Service personnel shall be considered to be on call for 24 hours of the day and shall reside in the station of his or her designated post, unless under certain circumstances agreed upon by the officer in charge.

- 5 Police Service Personnel shall not—
  - (a) deliver any information or disclose any such matter, as may by nature be secret or deemed as such, under special instructions during or after termination of service;
  - (b) keep an original of any official document or copy thereof, or extract such original out of the files where any of them is kept, even if such document relates to any such duty as may be assigned to him or her;
  - (c) perform duties for others against material or moral compensation, or even without compensation, unless a written permission is obtained from the Police;
  - (d) Commissioner of a State, the Inspector General, or the Minister, as the case maybe; and
  - (e) accept membership to any board of a corporation or institution or accept any other position therein except upon the approval of the Inspector General or the Minister.
  
- 6 Police Service Personnel under suspension shall not be exempted from the provisions of this Act as long as he or she is not yet dismissed from the Police Service. However, his or her powers as a police personnel shall remain suspended during the period of suspension, and he or she shall be subject to accountability, disciplinary action, and punishment as if he or she was not suspended.

### **CHAPTER III**

#### **ORGANISATION AND COMPETENCES OF THE POLICE SERVICE**

##### **10. Competences.**

The Police Service shall have the following competences—

- (a) exercise the powers, functions and duties of the Police Service;
- (b) ensure adherence to quality professional performance of the Police Service;
- (c) plan, organize, monitor, inspect and control the professional, administrative and technical performance of the Police Service;
- (d) assume administrative, organizational and professional supervision over the States and the headquarters of the Southern Sudan Police Service;
- (e) issue licenses for possession of firearms;
- (f) issue vehicle and driving licenses;
- (g) issue Police Service ID cards;
- (h) assume responsibility for issues pertaining to Police Service welfare and development;
- (i) coordinate and cooperate with, and assist the National Police in the discharge of its functions and duties in Southern Sudan;
- (j) supervise the implementation of local training programs; and
- (k) provide technical, professional and administrative guidelines for Southern Sudan and State Police Services.

## **11. Competences of Units of the Police Service in the States.**

Without prejudice to the National and Southern Sudan legislations and standards, the units of the Police Service in the States shall have the following competences within the States—

- (a) carry out the general powers, functions and duties of the Police Service;
- (b) prevent and detect crime;
- (c) preserve security and public order;
- (d) ensure safety of public and private properties and investments;
- (e) deploy police service throughout the State;
- (f) implement relevant laws and regulations;
- (g) cooperate and coordinate with the State Legal Administrations with regard to crime prevention and detection;
- (h) protect guests and VIPs;
- (i) protect peaceful demonstrations and gatherings;
- (j) issue vehicle and driving licences;
- (k) assist in the resettlement of IDPs and returnees;
- (l) assist in disaster and crisis management;
- (m) promote noble values and safeguard the morality and traditions of local communities;
- (n) realize the welfare of police personnel and their families;
- (o) conduct studies and opinion polls to improve Police Service performance;
- (p) carry out activities pertaining to environmental protection in coordination with the concerned authorities; and
- (r) any other competences entrusted by law.

## **12. Competences of the National and Southern Sudan Police Services.**

The National and Southern Sudan Police Services shall have exclusive competences as provided for in the CPA, the ICSS and the Interim National Constitution.

## **13. Delegation of Powers.**

- 1 The President may delegate any of his or her powers under this Act to the Minister.
- 2 The Minister may delegate any of his or her powers under this Act to the Inspector General.
- 3 The Inspector General may delegate any of his or her powers under this Act to his or her Deputy or any of his or her Assistants or the Police Commissioners.
- 4 The Minister may, by an order, based on the recommendation of the Inspector General, authorise any person to exercise any of the duties, powers or competences of police personnel on a temporary basis as may be stipulated by that order.

## **14. Movement and Integration of Forces.**

- 1 The President may at any time issue a decree ordering any SPLA force to assist the Police Service in internal security operations.
- 2 In case of any threat to Southern Sudan security, the President may order the merger of the Police Service or any part or unit thereof into the SPLA for such a period as the President shall deem appropriate.
- 3 All merged forces shall abide by the provisions of the SPLA Act, 2008 and regulations throughout the period specified in the order and shall enjoy all rights and privileges provided by such a law.

**15. Community Policing.**

- 1 There shall be established under this Act, Community Police to help the Police Service in the performance of its functions and duties and to mobilize the people for the preservation of law and order.
- 2 Without prejudice to the generality of the foregoing subsection, the Community Police shall endeavor to achieve the following—
  - (a) create partnership between the community and the police with a view to preventing crime;
  - (b) develop and enhance relations between the police and the community;
  - (c) enhance respect of human rights;
  - (d) enhance the role of the community in crime prevention;
  - (e) study the nature of the problems and factors in connection with crime and delinquency; and
  - (f) provide assistance to crime victims.
- 3 The regulations shall determine the powers, functions and duties, obligations, the selection of members and procedures to ensure better performance of tasks of the Community Police.

## **CHAPTER IV**

### **DISASTERS AND EMERGENCIES**

**16. Support by the Police Service at the Headquarters to the other Levels of Police Service in Cases of Emergency.**

Without prejudice to the provisions of the ICSS,2005 the Police Service shall provide prompt assistance and support to the other levels of police whenever asked to do so in the following cases—

- (a) emergencies and in situations where Southern Sudan security is under threat or

danger; and  
(b) disaster, insecurity, instability and any other cause of emergency.

**17. Power to Move Forces During Emergency.**

The Minister may, in case of emergency, and upon a resolution passed by the Southern Sudan Security Committee, order movement of units of the Southern Sudan Police to support units of the Police Service in the States as the security or emergency situation may require.

**18. Command of Forces During Emergency.**

Where the Police Service upon request from a State authority, in case of emergency or disaster, sends in a Police Force, the Units of Police in that State or County, shall fall under the command of the Southern Sudan Police Service Headquarters.

**19. Deployment of Police Forces in Case of Emergency.**

If a state of emergency is declared in the Southern Sudan or any part thereof, the Minister may order deployment of the forces provided for in section 17 above, to implement the provisions of the order of the state of emergency.

**20. SPLA Re-enforcement to the Police Service.**

- 1 In case the President issues a decree under section 14(1) of this Act, assigning an SPLA force to the Police Service, the Minister shall redeploy such a force in the place (s) and for such period as the Minister shall deem appropriate.
- 2 Members of the SPLA force mentioned in subsection (1) above shall have the powers of police personnel within the area during the period of their assignment.

## **CHAPTER V**

### **COMMAND OF THE POLICE SERVICE**

**21. Command of the Police Service.**

- 1 The President shall be the Supreme Commander of the Police Service.
- 2 Without prejudice to the provisions of subsection (1) above, the Police shall be under the supervision of the Minister. He or she shall assume the following functions—
  - (a) approve general plans and policies;
  - (b) endorse the draft budget and obtaining necessary approval thereof;

- (c) make recommendations to the Southern Sudan Security Committee on general security issues;
  - (d) approve the organizational structures of the Police Service based on the recommendation of the Police Service Council;
  - (e) Transfers of the State Police Commissioners shall be based on the police general regulations and on the recommendations of the Inspector General;
  - (f) approve incorporation of private security companies by the Chief Registrar of Companies, Organizations, NGOs, Associations and Societies on the recommendation of the Inspector General.
- 3 Without prejudice to the provisions of subsection (2) above, the Police Service shall be commanded by the Inspector General who shall be responsible to the Minister for the performance and discharge of its functions and duties. In order to do so, the Inspector General shall have the following powers—
- (a) issue orders and instructions on the organization of the Police Service and its development;
  - (b) control the professional, financial, technical and administrative functions of the Police Service;
  - (c) set systems and standards governing police activities at all levels of Southern Sudan;
  - (d) plan Police Service supplies and make contracts and agreements involving the police with the consent of the Minister;
  - (e) recommend to the Minister travel abroad of police delegations and personnel as per the regulations;
  - (f) supervise corporations and organizations in connection with police functions and duties; or
  - (g) establish corporate institutions.
- 4 The Deputy Inspector General shall be responsible before the Inspector General for the administration and organization of units under his or her control. The regulations shall provide for the competences and powers of the Deputy Inspector General.
- 5 The Assistants Inspector General shall be responsible to the Inspector General for the function of the directorates under them. The regulations shall provide for the competences and powers of Assistants Inspector General.
- 6 Without prejudice to the competences of the Minister provided for in subsection (2) above, and the Police Service regulations and standards, the Inspector General shall be responsible for the general performance of the Police Service and the implementation of security policies, plans and programs, unless such is in contradiction with the Comprehensive Peace Agreement, the Interim Constitution of Southern Sudan and this Act.
- 7 Without prejudice to the competences of the Inspector General provided for in subsection (3) above, the Police Commissioner in charge of a State shall be responsible before the State Governor for the implementation of security policies,

plans, and programs, in accordance with the provisions of the Comprehensive Peace Agreement, the Interim Constitution of Southern Sudan ICSS,2005 and this Act

- 8 Without prejudice to the competences of the Inspector General provided for in subsection (3) above, the Director of a specialized police corporation shall be responsible for the general performance of the police service of that corporation and shall be responsible before the Board of Directors of that corporation for the implementation of security policies, plans, and programs of the said corporation, in accordance with the provisions of the Comprehensive Peace Agreement, the Interim Constitution of Southern Sudan ICSS,2005 and this Act.

## **22. Police Service Council.**

- 1 Pursuant to the provisions of this Act, there shall be established a Council to be known as the “Police Service Council” and shall be composed as follows—
  - (a) Inspector General Chairperson
  - (b) Deputy Inspector General Member
  - (c) Assistants Inspector General Members
  - (d) Police Commissioners Members
  - (e) Heads of police corporations Members
  - (f) Any individual that the Inspector General may invite to attend a meeting on professional or technical basis as an Ex officio member.
- 2 The Powers, functions and duties of the Police Service Council shall be regulated by rules and regulations in accordance with provisions of this Act.
- 3 The Police Service Council shall set regulations to organize its work procedures.

## **23. Cooperation and Mutual Assistance.**

- 1 The National and Southern Sudan Police Services shall cooperate and provide mutual assistance to each other in a manner that ensures better administration of the law, security, and the provision of quality services.
- 2 The Police Service shall assist and support the National Police units operating in Southern Sudan in such a way as to enable it to perform its functions and duties and deliver efficient services.
- 3 The Inspector General may—
  - (a) request secondment of any police personnel from the National Police Service to the Southern Sudan Police Service for such a period as may be agreed upon; and



- (b) second any police personnel from the Southern Sudan Police Service to the National Police Service, upon a request, for such a period as may be agreed upon.

**24. Standards and Quality of Performance.**

The Inspector General may affiliate any Police Personnel or police unit from the headquarters to any State if he or she deems appropriate to boost the police performance and quality service, such affiliation may be temporary or permanent, as the case may be.

**CHAPTER VI**

**RANKS, APPOINTMENTS, PROMOTIONS AND TRANSFERS**

**25. Ranks of Police Officers.**

- 1 The ranks of police officers' shall be as follows—
  - (a) General;
  - (b) Lieutenant General;
  - (c) Major General;
  - (d) Brigadier;
  - (e) Colonel;
  - (f) Lieutenant Colonel;
  - (g) Major;
  - (h) Captain;
  - (i) 1<sup>st</sup> Lieutenant; and
  - (j) Lieutenant.
- 2 Ranks for non-commissioned officers and privates shall be as follows—
  - (a) Warrant Officer;
  - (b) Sergeant Major;
  - (c) Sergeant;
  - (d) Corporal;
  - (e) Lance Corporal; and
  - (f) Private.

**26. Appointment of the Inspector General, Deputy and Assistants.**

- 1 The President shall appoint the Inspector General and the Deputy Inspector General from officers, at the rank of Major General and above, working in the Southern Sudan Police Service upon the recommendation of the Minister.
- 2 The Minister shall appoint Assistant Inspector Generals upon the recommendation of the Inspector General.

**27. Admission to the Police College.**

- 1 Admission to the police College shall be open to all Sudanese nationals from Southern Sudan irrespective of ethnicity, religion, affiliation and gender.
- 2 Without prejudice to the generality of the foregoing, any person desirous of joining the Police Service shall—
  - (a) be a Southern Sudanese;
  - (b) be of good conduct and never have been convicted of a criminal offence;
  - (c) be mentally sound and physically fit to work in the Police Service;
  - (d) pass prescribed tests or examinations to join the Police Service;
  - (e) be a holder of at least Sudan school certificate or its equivalent; and
  - (f) be between 18 and 25 years of age.
- 3 The Minister shall appoint the successful candidates in accordance with the provisions of sub-section (2) above, as cadets to the Police College.

**28. Appointment of Officers.**

The President shall appoint officers to the Police Service following successful completion of the training package at the Police College and upon recommendation by the Minister.

**29. Award of Title and Oath Taking.**

- 1 The President, upon a recommendation by the Minister, shall award a graduate of the Police College the title of Police Officer.
- 2 An officer who is awarded such a title shall take the oath of allegiance provided for in this Act before the President after which he or she shall undergo a probation period.

**30. Appointment of Officers for Permanent Service.**

- 1 The regulations shall provide the terms and conditions for the officers to be appointed for permanent service.
- 2 The Minister may, on the recommendation of the Inspector General, terminate the service of an officer under probation if it is proved that he or she is not competent to serve in the Police Service.

**31. Determination of Seniority of Officers.**

- 1 Seniority of officers having the same rank shall be determined according to their date of appointment and promotion to the specified rank.
- 2 When appointing or promoting two or more officers to the same rank at the same date and in the same list, seniority shall be determined according to the appearance of their respective names in the appointment or promotion order or

list.

- 3 Separate officers seniority lists shall be made according to the order made by the Inspector General of Police as follows—
  - (a) General list of officers;
  - (b) List of seniority of officers who were awarded the title;
  - (c) List of specialist seniority; and
  - (d) Seniority list of non-commissioned officers.
- 4 The regulations may provide further conditions for determination of seniority of officers.
- 5 All levels of the Police Service may have their own lists of seniority of officers at those levels provided that such lists do not contradict the General list of officers.
- 6 No officer shall be transferred to another list of seniority unless he or she meets the conditions for such transfer as prescribed by the regulations.

### **32. Promotion of Officers.**

- 1 The Inspector General shall form promotion committees at all levels of the Police Service.
- 2 Promotion committees shall submit their recommendations for promotion to the Inspector General.
- 3 Promotions of officers shall be approved by the President upon a recommendation by the Minister in consultation with the Inspector General.
- 4 Officers shall be recommended for promotion pursuant to the provisions of this Act, and in accordance with regulations issued thereunder.

### **33. Transfer of Officers.**

- 1 Transfer of Officers shall be made according to the rules, goals and objectives provided for by the regulations.
- 2 The Inspector General shall issue orders for the transfer of officers within different units and directorates of police at the levels of the Southern Sudan Police Service.
- 3 A Police Commissioner of a state shall issue orders for the transfer of officers within the state.

### **34. Termination of Service of Officers.**

An officer's service shall be terminated for any of the following reasons—

- (a) attainment of sixty years of age;
- (b) retirement on pension according to the officer's request;
- (c) optional retirement according to the Public Service law and regulations;
- (d) decision by a medical commission that the officer is no longer fit to serve in the Police Service;
- (e) renouncing his or her Sudanese nationality;
- (f) retirement for inadequate discharge of his or her professional, technical, administrative, operational, or leadership responsibilities;
- (g) if convicted of a crime related to honor, trust, honesty, or if imprisoned.
- (h) dismissal; or
- (i) death.

### **35. Discharge of Officers.**

- 1 The President may, upon a recommendation by the Minister, discharge any officer from service for a reasonable cause.
- 2 An officer who applied for discharge shall not cease his or her job responsibilities until the order for his or her discharge is issued and communicated to him or her.
- 3 An officer having the rank of Colonel or above, who has completed the time limit required for promotion to the higher rank, without being promoted due to non-existence of vacancies, may apply for retirement on pension. In case his or her application is accepted, entitlements shall be calculated according to the higher rank for which he or she was due for promotion.

### **36. Secondment and Assignment.**

- 1 The President may appoint any officer for any public post, other than in the Police Service, on the recommendation of the Minister, with the discretion to return him or her to the Police Service or retire him or her on pension at the end of duty in such public post, provided that his or her post- service benefits and entitlements with the Police Service shall be accumulated while serving in such other post.
- 2 Police personnel may be seconded internally or externally. The regulations shall provide for terms and conditions of such secondment.

### **37. Creation of Vacancies in the Police Service.**

- 1 The Minister shall approve the creation of annual vacancies in the Police Service on the recommendation of the Inspector General.

- 2 Vacancies shall be determined and allocated to different police divisions according to the establishment of Southern Sudan Police Service.

**38. Filling of Vacancies.**

A Police Commissioner may fill vacancies through recruitment or promotion to the vacancies in the posts of non-commissioned officers and privates in accordance with the orders and regulations.

**39. Recruitment of Non-commissioned Officers and Privates.**

- 1 A Police Commissioner may appoint any person as non-commissioned officer or private in the Police Service according to the terms and conditions provided for in the rules and regulations.
- 2 A Police Commissioner shall keep lists of seniority of non-commissioned officers and privates in accordance with the regulations.
- 3 Non-commissioned officers and privates shall be trained at the different police training institutions as the case may be.

**40. Transfer of Non-commissioned Officers and Privates.**

Non-commissioned officers and privates shall be transferred according to the orders and regulations.

**41. Termination of Service of Non-commissioned Officers and Privates.**

- 1 The service of non-commissioned officers and privates shall be terminated for any of the following reasons—
  - (a) end of contract;
  - (b) attainment of the pension age as per the Public Service law and regulations;
  - (c) decision by a medical commission that the non-commissioned officer or private is no longer fit to serve in the Police Service;
  - (d) dismissal;
  - (e) retirement on pension for inadequate discharge of his or her professional, technical, administrative, operational, or leadership responsibilities;
  - (f) retirement on pension upon a recommendation from the officer in charge of the unit, the Director, Police Commissioner or Inspector General, as the case may be, due to mental infirmity, physical disability or behaving in a manner that has a substantial negative effect on his or her performance and discharge of his or her functions and duties;
  - (g) if convicted of a crime related to honor, trust or honesty; or
  - (h) renouncing his or her Sudanese nationality; or
  - (i) death.

- 2 A Police Commissioner or Director, or who ever he or she delegates, may order any non-commissioned officer or private to remain in service for six months following the end of his or her service if the public interest so requires.
- 3 A Police Commissioner may order the dismissal of any non-commissioned officer or private if convicted of a crime, or if it is in the interest of the Police Service.

**42. Training in the Police Service.**

- 1 The training of Police Service personnel shall be subject to standards in accordance with the provisions of this Act and Rules and Regulations therein.
- 2 Without prejudice to the provisions of sub-section (1) above, the Southern Sudan Police Service Council shall—
  - (a) determine training needs of the Police Service and prepare and execute different training plans and programmes in Southern Sudan and abroad at all levels;
  - (b) prepare and develop training packages and programs for the Police Service;
  - (c) adopt programs for the training of trainers and development of training aids;
  - (d) develop and strengthen bilateral, regional and international relations with regard to training;
  - (e) coordinate technical support and financial assistance provided for the training of the Police Service;
  - (f) assume supervision, monitoring and periodic inspection of police training institutions; and
  - (g) form a technical committee to manage scholarship awards and courses.
- 3 The State Police Commissioners shall be responsible for implementation of training programs within their areas of jurisdiction as approved by Police Service Council.

## **CHAPTER VII**

### **BUDGET, PRIVILEGES, AND OTHER ENTITLEMENTS**

**43. Budget.**

- 1 The Inspector General shall prepare the annual budget proposal and shall be responsible for the execution of the approved budget.
- 2 The State Police Commissioner shall prepare the annual budget proposal for the State Police Service and shall be responsible for the execution of the approved budget.

**44. Protection of Property.**

- 1 Police personnel shall be responsible for protection of all public assets, assets under their control, and assets in their care. They shall also be responsible for all weapons, ammunitions, accoutrements, and uniforms which are given to them for their own use or use by any police personnel under their supervision.
- 2 Police personnel shall individually and collectively be responsible for any building or warehouse for police accoutrements they are using, and also for any other public or private assets under their control or custody.

**45. Salaries and Privileges of the Police Service.**

- 1 The President shall determine, on the recommendation of the Minister, salaries, rights and privileges of the Police Service that will ensure them a life of dignity and an appropriate social standard which shall enable the personnel to efficiently discharge their responsibilities and duties.
- 2 When determining salaries, rights and privileges, due consideration shall be given to the functions and duties, threats and dangers that the police personnel encounters.
- 3 The regulations shall define organisational structures, privileges, entitlements, allowances, and increments for the whole Police Service in addition to the grades and the manner in which this shall be addressed at recruitment, promotion, secondment, assignment, transfer and approval thereof.
- 4 Periodic allowances of officers, non-commissioned officers, and privates shall be made in accordance with the regulations and orders.
- 5 No salaries, wages, or other entitlements shall be withheld except in the case of repaying a debt to the Government, or execution of a judgment passed by a competent court, provided that the amount withheld shall not exceed one-quarter of the salary.

**46. Post-Service Benefits.**

The Police service personnel post-service benefits shall be determined in accordance with the provisions of Police Serviced Pension Act

**47. Medical Care, Accommodation and Transportation.**

- 1 The Government shall provide medical care for police personnel and their dependants.
- 2 The Government shall provide medical care for police personnel for any injury they sustained during service or while performing their functions and duties within or

outside Southern Sudan as defined by law and regulations.

- 3 The Government shall provide appropriate accommodations for police personnel. The regulations shall indicate the grade for eligibility for accommodation and accommodation allowances.
- 4 The Government shall provide transportation for police personnel and their dependants in accordance with the financial regulations of the Police Service.

**48 Leave.**

- 1 Police Service personnel shall be entitled for leave in accordance with the modalities provided for in the regulations.
- 2 Police Service personnel may be denied his or her leave or any official holiday if the work circumstances deem this necessary, provided that they shall be awarded financial compensation in lieu thereof, as provided for in the regulations.

**49 Other Privileges and Remunerations.**

- 1 Regulations shall prescribe extra remunerations and privileges to be enjoyed by Police Service personnel besides their salary for performing functions and duties as provided for in this Act or any other law or regulations.
- 2 Notwithstanding the provisions of sub-section (1) above—
  - (a) A police officer has the right to own a private pistol and/or a rifle to be licensed without paying any fees as per the regulations; and
  - (b) A Police officer retiring at the rank of Lieutenant General shall keep his title without adding the word “retired” thereto.

## **CHAPTER VIII**

### **LEGAL AFFAIRS**

**50. Directorate of Legal Affairs.**

- 1 There shall be established in the Police Service a department to be known as the Directorate of Legal Affairs which shall be responsible for legal matters of the Police Service and its personnel thereof shall be graduates of recognized law schools.
- 2 The regulations shall specify duties and responsibilities of the Directorate of Legal Affairs.
- 3 Legal opinions rendered by the Directorate of Legal Affairs shall be binding within



the Police Service and may not be reviewed except by the Minister or the Inspector General as the case may be.

- 4 Officers serving in the Directorate of Legal Affairs shall authenticate Police Service contracts within the official functions of the Police Service.
- 5 Officers serving in the Directorate of Legal Affairs shall have the right to appear before any police court.
- 6 Following the end of their service, officers serving in the Directorate of Legal Affairs may be entitled to advocate licenses. Their service with the Directorate shall be deemed to be an experience comparable to the service of Judges and Legal Counsels at the Ministry of Legal Affairs and Constitutional Development.

## **51. Immunities and Limitations on Liability.**

Subject to the provisions of Chapter X of this Act—

- 1 Any act done by a police personnel in good faith while discharging his or her functions and duties, or in performance of his or her functions and duties under any law, regulation, order, rule or instruction of a competent authority or person authorised to issue the same by virtue of the Code of Criminal Procedure, 2008, or any other law in force, or any regulations issued thereunder, shall not constitute an offence.
- 2 No police personnel shall be arrested for or charged with murder in connection with acts committed in the course of his or her duty, except with a written authorisation obtained from the President in the case of officers, or a written authorisation from the Minister or Inspector General in the case of non-commissioned officers and privates.
- 3 The Police Service, its personnel, or any other person obliged under the law to assist the Police Service in discharging its duties, shall not be responsible for payment of damages resulting from the good faith execution of a binding duty under any law or regulation, lawful order or instruction issued to them by a competent authority, or person authorised by law to issue the same.
- 4 Any police personnel facing legal proceedings entailing his or her detention in custody shall be detained in the police barracks until a decision is taken in the said legal proceedings. The regulations shall determine the confinement of police personnel in custody.
- 5 The Government shall pay compensation on behalf of any police personnel in cases of accidental or unintentional homicide committed during the service.

## CHAPTER IX

### POWERS AND JURISDICTION OF POLICE COURTS

#### 52. Jurisdiction of Police Courts.

- 1 Police Courts shall decide on acts and omissions by any police personnel subject to the provisions of this Act, which are considered criminal acts, or contraventions of this Act or any other legislation or regulations, if committed while discharging official duties.
- 2 Complaints against police personnel received through a civilian complaint system, established by regulations, shall be referred to judicial courts subject to the regulations.
- 3 Without prejudice to the provisions of subsection (1) above, the Minister, upon the recommendation of the Inspector General, may refer any criminal case to any court if that will serve the cause of justice.

#### 53. Types of Police Courts.

The types of Police Courts shall be as follows—

- (a) Police Summary Court;
- (b) Police Non-Summary Court;
- (c) Police Court of Appeal; and
- (d) Police Supreme Court.

#### 54. Formation of Police Courts.

- 1 The Police Summary Court shall be composed of an officer of higher rank than the accused, by virtue of an order issued by the Inspector or a Police Commissioner.
- 2 The Police Non-Summary Court shall be composed of a Chairperson having a rank not lower than Major and not lower than the rank of the accused, and other two officers of the same or lower ranks by virtue of an order issued by the Inspector General or a Police Commissioner.
- 3 The Police Court of Appeal shall be composed of three legal officers constituted by the Inspector General.
- 4 The Police Supreme Court shall be composed of three legal officers constituted by the Inspector General. The order establishing the Police Supreme Court shall name the Chairperson and the rank of its members shall not be lower than the rank and seniority of the Chairperson of the Police Court of Appeal.

- 5 Regulations and orders shall provide for the procedures to be followed before Police Courts and procedures for appeal, confirmation, and examination in line with the provisions of the Code of Criminal Procedure 2008 and the Evidence Act, 2006.

**55. Administrative and Judicial Supervision over Courts.**

The Director in charge of the Legal Affairs Directorate shall assume legal and administrative supervision over Police Courts.

**56. Competences and Powers of Police Summary and Police Non-Summary Courts.**

- 1 The Police Summary Court shall decide on violations provided for in the regulations and impose penalties determined for such violations.
- 2 The Police Non-Summary Court shall decide on crimes and contraventions provided for in this Act or under any other law. The Court may pass any penalty or punishment pertaining to these contraventions or crimes.

**57. Competences and Powers of the Police Court of Appeal.**

- 1 The Police Court of Appeal shall entertain any appeal filed by any police personnel against any of the decisions of the Police Summary and Police Non-Summary Police Courts.
- 2 When considering any appeal, the Police Court of Appeal may—
  - (a) affirm the conviction and punishment;
  - (b) quash the conviction and punishment;
  - (c) affirm the conviction and cancel, mitigate, or change it to any other lesser punishment stipulated by law;
  - (d) refer the case to the lower Police Court for retrial and reconsideration of sentence according to certain directives;
  - (e) refer the case to a competent police court; or
  - (f) cancel the judgment and annul the procedures.
- 3 Decisions of the Police Court of Appeal are appealable to the Police Supreme Court.

**58. Competences and Powers of the Police Supreme Court.**

- 1 The Police Supreme Court shall entertain any appeal filed by any police personnel against any decision of the Police Court of Appeal.
- 2 When considering any appeal, the Police Supreme Court may—
  - (a) affirm the conviction and punishment;

- (b) quash the conviction and punishment;
  - (c) affirm the conviction and cancel, mitigate, or change it to any other lesser punishment stipulated by law;
  - (d) refer the case to the lower Police Court for retrial and reconsideration of sentence according to certain directives;
  - (e) refer the case to a competent police court; or
  - (f) cancel the judgment and annul the procedures.
- 3 Decisions of the Police Supreme Court shall be subject to confirmation by the Inspector General and to review by the Minister as the case may be.

**59. Joint Trials.**

Two or more persons accused of committing a crime or contravention may be jointly tried before a Police Summary or Police Non-Summary Court provided that such matter shall not prejudice the defence of any of the persons being jointly tried.

**60. Ineligibility for Membership of Police Courts.**

The following individuals shall not be eligible for membership of any police Court—

- (a) the police personnel carrying out the investigation in the case;
- (b) the complainant or any of the witnesses; or
- (c) any person having an interest in the case.

**61. Power to Terminate Proceedings.**

The Inspector General may, on his or her discretion, or upon a request by any party, order for the documents of any case at any time following the end of the hearing, and before passing of judgment, and make a decision terminating the legal proceedings against any police personnel for public interest. His or her decision shall be final and binding.

**62. Cancellation or Stay of Punishment.**

The President may cancel or stay any punishment issued by any Police Court on the recommendation of the Minister.

**63. Summary Disciplinary Measures against Police Personnel.**

Police personnel may be subject to summary discipline before any senior officer. The regulations shall specify powers, competences, and disciplinary measures.

**64. Suspension from Service.**

- 1 The Inspector General, a Police Commissioner, or an officer in charge may suspend

- 2 The regulations shall specify the conditions and procedures for the suspension from service without pay, with pay or with half pay, and the manner of its implementation and duration thereof.

## **CHAPTER X**

### **CRIMES AND CONTRAVENTIONS**

#### **65. Use of Criminal Force.**

- 1 Any police personnel, who uses criminal force against any other police personnel, or assaults him or her, or attempts such act while aware, or has a reasonable cause to believe, that the person he or she is assaulting is a police personnel, shall on conviction be sentenced to imprisonment for a term not exceeding three years or with fine or with both and may also be dismissed from the service.
- 2 If the victim is a senior officer or senior non-commissioned officer, the term of imprisonment may be extended for a term not exceeding five years or with fine or with both and may also be dismissed from the service.

#### **66. Offences against Detention Centers and Public Properties.**

- 1 Any personnel, who intentionally commits an offence, while on duty as a guard of an accused, detained or remand person, or fails to safe-keep properties or funds entrusted thereto, shall on conviction be sentenced to imprisonment for a term not exceeding seven years or with fine or with both and may also be dismissed from the service.
- 2 Any personnel, who harbors information or conspires to cause, causes, attempts to cause, or participates in a riot or disobedience inside a custody, shall on conviction be sentenced to imprisonment for a term not exceeding three years or with fine or with both and may also be dismissed from the service.
- 3 Any personnel, who neglects his or her duty as a guard for an accused, detained or remanded or neglects his or her duty of safe-keeping properties and funds entrusted thereto, shall on conviction be sentenced to imprisonment for a term not exceeding three years or with fine or with both and may also be dismissed from the service.

#### **67. Disobedience of Lawful Orders.**

Any personnel, who disobeys any lawful order made by his or her senior officer during the

course of his or her duty without any reasonable excuse, whether this order is issued in writing or verbally, shall on conviction, be punished with a reprimand on the first offence. He or she shall upon conviction in a subsequent offence be sentenced to imprisonment for a term not exceeding one year or with fine or with both and may also be dismissed from the service.

**68. Disposal of Weapons, Ammunition and Accoutrements.**

Any personnel who disposes without justification, of any weapons, ammunition, accoutrements, machinery, uniforms, or equipment which have been entrusted to him or her, for his or her use, or for the use of the service, shall on conviction be sentenced to imprisonment, for a term not exceeding five years or with fine or with both and may also be dismissed from the service.

**69. Desertion.**

Any personnel who absents himself or herself from duty, without reasonable excuse, for a period exceeding thirty days, shall be deemed a deserter, and shall on conviction be sentenced to imprisonment for a term not exceeding one year or with fine or with both and may also be dismissed from the service.

**70. Contraventions During Operations.**

Any personnel or any other person subject to the provisions of this Act, who deliberately commits any of the following acts in a time of war—

- (a) deserts or escapes;
- (b) leaves his or her duty post, the line, the sentry post, or public property he or she is supposed to defend without reasonable excuse;
- (c) disobeys any lawful order, or behaves in such a manner that may result in destruction or putting under threat of any location, unit or public property;
- (d) improperly disposes of weapons, ammunitions, accoutrements or devices under his or her custody;
- (e) gives false information to any unit or station with intent to cause panic or chaos amongst the force;
- (f) does or omits to do any act in order to abort the success made by the force or any supporting force;
- (g) assists an unauthorized person or enemy or attempts to do so through supplying him or her with weapons, ammunitions, funds, supplies, information, or otherwise; or
- (h) discloses any confidential information to an unauthorized person or enemy; shall on conviction be sentenced to death or imprisonment for a term not exceeding twenty years and/or with fine and may also be dismissed from the service.

**71. False Information or Accusation.**

Any person who is subject to the provisions of this Act, who intentionally gives false accusation against any police personnel or person, or gives false information or report

thereto, shall on conviction, be sentenced to imprisonment for a term not exceeding one year or with fine or with both and may also be dismissed from the service.

**72. Conduct Unbecoming of Police Personnel.**

Any person who is governed by the provisions of this Act, who deliberately utters statements reflecting disobedience or disrespect to his or her senior officer or the senior non-commissioned officer, shall be punished with a reprimand and may also be dismissed from the service.

**73. Dealing with Inmates or Detainees.**

Any person who is governed by the provisions of this Act, who smuggles or attempts to smuggle a material prohibited by law or regulations into a custody, or who intentionally gives a detainee a material prohibited by law or regulations to be taken into a custody, commits an offence and shall on conviction be sentenced to imprisonment for a term not exceeding five years, or with fine, or with both, and may also be dismissed from the service.

**74. Partiality in Discharge of Functions and Duties.**

Any personnel who shows partiality in the discharge of his or her functions and duties, commits an offence and shall on conviction be punished with a reprimand upon the first offence. He or she shall upon a subsequent offence be sentenced to imprisonment for a term not exceeding one year or with fine or with both. He or she may also be dismissed from the service.

**75. Contraventions.**

The regulations shall provide for violations and punishments to be inflicted.

**76. Multiplicity of Offences and its effect on Punishment.**

Any personnel who commit multiple offences during one episode of criminal conduct shall be subject to a maximum punishment of the penalty for the most serious of the offences which he or she committed.

## **CHAPTER XI**

### **MISCELLANEOUS PROVISIONS**

**77. Solidarity and Insurance Funds.**

- 1 The following funds shall be established in the Police Service –
  - (a) Social Insurance Fund;
  - (b) Hero's Families Support Fund;

- (c) Social Solidarity Fund; and
  - (d) any other fund to be established as deemed appropriate.
- 2 Any fund established under this Act shall be a body corporate and with its own stamp and seal, with powers to develop and invest funds and assets to achieve its goals, and shall have the right to sue and be sued in its own name.
  - 3 Police Service funds shall be established to support insurance efforts for the Police Service and its personnel in the role of pensioners, families of police martyrs, injured or missing personnel.
  - 4 The Social Support Funds shall be funded from deductions from Southern Sudan Police Service entitlements.
  - 5 The Inspector General shall issue orders, instructions, and regulations to organise activities of the Funds.

**78. Flag, Logo and Badges.**

- 1 The Police Service shall have its own flag with a logo.
- 2 All Police Service units may have their own respective badges.
- 3 The regulations shall provide for specifications and use of the Police Service flag, Logo and badges.

**79. Prohibition of Legal Proceedings.**

No police personnel shall take legal proceedings against his or her senior officer, his or her senior non-commissioned officer, or his or her officer in charge before any court, following the end of his or her service, for whatsoever he or she has undergone in implementing lawful orders issued to him or her while in the service.

**80. Instructions.**

The Inspector General shall issue instructions to organise, control, and develop Police Service performance.

**81. Standing Orders.**

Subject to regulations and instructions issued pursuant to the provisions of this Act, a Police Commissioner shall issue standing orders to organise and control the performance of his or her unit.

**82. Police Service Identity Cards.**



- 1 Every Police Service personnel shall be issued a police Service identity card to be carried by him or she at all times.
- 2 The Police Service personnel identity card shall be an official document which stands as identification evidence and which shows powers assigned to its holder. All government and other units shall recognize, accept and respect it.

**83. Oath.**

Every Police Service Personnel, when appointed, shall take the following oath of allegiance-

“I...(Rank and name)... do hereby swear in the name of Almighty God, that I shall dedicate my life to the service of my motherland and the people of Southern Sudan and to protect the Constitution faithfully and honestly, and to dedicate my time and energy throughout the period of my service in the Police Service to discharge the functions and duties assigned to me under the Police Service Act, the Code of Criminal Procedure and any other law or regulations in force and to execute any lawful orders issued by my superior, to the best of my ability even though that will mean risking my life, so help me God/God is my witness.”

**84. Regulation.**

The Minister shall on the recommendation of the Inspector General, issue rules and regulations for the efficient and efficient implementation of the provisions of this Act.

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