



**Office of the Director General**

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27<sup>th</sup> November 2023

**Special Rapporteur on Torture and other Cruel, Inhuman or Degrading  
Treatment or Punishment**

**Subject: - Call for Inputs by Special Rapporteur on Torture and other Cruel,  
Inhuman, degrading Treatment or Punishment.**

The office of Director General of the National Prisons Service South Sudan conveys its greetings and gratitude to your esteemed office.

Reference is hereby made to the letter of Director Department of Human Rights, gender and Child Welfare, Ministry of Foreign Affairs and International cooperation, South Sudan forwarding the letter of Head of Mission - Geneva.

National Prisons Service South Sudan is one of the essential institution in Criminal Justice System chain in the Country is under the Ministry of Interior.

**Vision**

The National Prisons Service is to be highly professional and responsive ethical and professional organization that contributes to public safety and security through excellent and humane penal practices as well as promoting the work culture that sustains well motivated, dedicated and motivated staff.

## **Mission**

The mission of the National Prisons Service is to enhance safety of the community by providing secure and humane incarceration or detention and facilitating the rehabilitation of the prisoners through developing and valuing staff.

## **Functions:-**

**The Prisons Service is mandated to the following functions:-**

- A. Enforce judicial degrees, orders and sentences.
- B. Manage and operates prisons institutions.
- C. Maintain security in prisons institutions.
- D. Undertake social rehabilitation and reform of prisoners through specific vocational training and educational program.
- E. Facilitate the reintegration of prisoners in to their communities.
- F. Supervise offenders on conditional release.

The National Prisons Service of South Sudan manages and operate prisons facilities which are categorized as National Prisons, State Prisons, County Prisons open & close camps and Reformatory centers for Juveniles.

In all these reformatory prisons institutions, segregation is considered with separate facilities for male inmates, female inmates and juveniles reformatories.

No separate facilities for pre-trial detention, remand prisoners are housed with convicted prisoners.

As like most of the National Prisons Systems in the region, few prisons are characterized by overcrowding, under resourced systems to improve the infrastructure and classification of inmates becoming difficult, despite under developed prisons infrastructure, safety of inmates is secured.

mentally ill prisoners are kept and treated fairly, rehabilitation of inmates for reintegration activities are being maintained.

As per current issues and good practices in Prisons management, the service has good relationship with the justice actors, international and local organizations, ICRC, UNDP, UNMISS Rule of Law Correctional Advisory Unit, Human Rights Bodies and Legal Aid Firms all are collaborating for wellbeing of inmates for dignified treatment in a respond for prevention to torture and other cruel inhumane degrading treatment or punishment.

**Major challenges and causes:-**

S/NO	Challenges	Causes
1.	Dilapidated prisons facilities	No new facilities constructed
2.	Overcrowding in some facilities	Slow speedy of trials by the Courts
3.	Few vocational training centers for rehabilitation of inmates	Lack of resources for constructing VTCs in some of prisons
4.	Mentally ill persons are kept in prisons.	No special asylums for these categories

**Innovation and Good Practices**

Prisons Service Act, Regulations and Standing Orders are providing good practices in Prisons management in the Country, currently the National Prisons Service Act 2011, is amended (2022) and Prisons Regulations 2016 is under process for amendment in compliance to the amended Act, this alone indicate continuous legal development in South Sudan prisons Service system.

### **Recommendations to improve existing prisons management.**

1. Construction of new facilities in accordance with human rights specifications.
2. Isolation of mentally ill persons from prisons and provision of separate treatment facilities for vulnerable category and collaborate with National and international human rights bodies to safeguard the human rights of inmates and their rehabilitation.
3. Introduction of non-custodial measures as alternative to imprisonment
4. Exchange of experiences through regional and international engagement with prisons system in order to gain experiences and best practices in prisons management and as part of external training of staff.
5. Reactivating trainings in the Prisons Service Academy and other training centers both for basic and in-job training for the development of innovative and valued staff.

### **Areas of particular focus as issues of pressing concerns:-**

1. To reduce overcrowding, the following measures are essential:-
  - Collaboration with other Criminal Justice System for provision of speedy investigations and trials.
  - Introduction of community service and probation measures are highly needed as alternative for custodial system.
2. Daily life of inmates in some of prisons are designed meaningfully as follows:-
  - Recreational activities, religious, educational, rehabilitative and reintegration programs are provided objectively.
  - Communication with outside communities are allowed to inmates as gradual process of reintegration.

3. As the system has no separate facilities for existing persons with pre-psychological issues and new neurodiversity conditions, and despite of all the Prisons management are maintaining such categories humanely, victims of torture were not reported in any facilities across the country.
4. In this area of particular concern the Prisons Service Act 2011 Amended 2022, provide disciplinary measures in accordance with the Law Article 91 (6) of the Act, these measures in Prisons constituting cruel inhumane degrading treatment that may compromise the physical or mental health of a prisoners are strictly prohibited and in case of solitary confinement is awarded for the purpose of avoiding risk to others and it should not be more than five days.
5. The Prisons Act, Regulations and Standing Order have provided special treatment for vulnerable categories of Prisoners or inmates as follows:-
  - Segregated facilities in accordance to the sex of prisons population.
  - Equal treatment of inmates regardless of Nationality, ethnic and religious affiliation. The amended Act 2022, in section 50 and 51 both provided severe punishment for any Prisons personnel who tortures or subjects any person to inhumane or degrading treatment or punishment to a maximum imprisonment period of not more than 25 years or with fine or both and may be dismissed from Service.
6. The service during the COVID-19 despite the overcrowding, prevention measures were successful and workable.
  - The only negative consequence of the measure, is when personal visitation to inmates became difficult. No reports of COVID-19 death occurred during the pandemic crisis.



- Public health measures in the prisons facilities are of a great importance as preventive and to prepare for the next expecting arising pandemic, the culture of preventive measures are to be encouraged and maintained.
7. With the current conditions of prisons infrastructure, impacts of global climate change had already created change in time of rainy season, floods and higher heat prevalence, as a result, incarcerated individuals are enduring situations of climate change, to respond, a safe and humane Prisons infrastructure are needed.
  8. The service has a system of incarcerating facilities, being managed by the Government and not out-sourced prisons operated by private companies. In the case of Prisons Service of South Sudan, standards of human rights are well articulated and fairly treatment of incarcerated persons are maintained.

Kindly these are some of responses submitted to your esteemed end as an input of National Prisons Service of South Sudan. **Thanks**

Sign: \_\_\_\_\_

**Gen. Henry Kuany Aguar**

**Director General,**

**National Prisons Service of South Sudan**

