

THE AMNESTY ACT, Cap 294

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THE AMNESTY ACT (Cap 294)

An Act to provide for an Amnesty for Ugandans involved in acts of war-like nature in various parts of the country and for other connected purposes.

DATE OF ASSENT: 17th January, 2000

Date of Commencement: 21st January, 2000

PART I – PRELIMINARY

1. In this Act, unless the context otherwise requires –

“amnesty” means a pardon, forgiveness, exemption or discharge from criminal prosecution or any other form of punishment by the state;

“Commission” means the Amnesty Commission established under Part II of this Act;

“DRT” means Demobilization and Resettlement Team”;

“Minister” means the minister responsible for internal affairs;

“reporter” means a person seeking to be granted Amnesty under this Act.

PART II – DECLARATION OF AMNESTY etc

2. (1) An Amnesty is declared in respect of any Ugandan who has at any time since the 26th day of January, 1986 engaged in or is engaging in war or armed rebellion against the government of the Republic of Uganda by –

- (a) actual participation in combat;
- (b) collaborating with the perpetrators of the war or armed rebellion;
- (c) committing any other crime in the furtherance of war or armed rebellion; or
- (d) assisting or aiding the conduct or prosecution of the war or armed rebellion.

(2) A person referred to under subsection (1) shall not be prosecuted or subjected to any form of punishment for participation in the war or rebellion or for any crime committed in the cause of the war or armed rebellion.

2A. Notwithstanding the provisions of section 2 of this Act a person shall not be eligible for grant of amnesty if he or she is declared not eligible by the Minister by statutory instrument made with the approval of Parliament.

3. (1) A reporter shall be taken to be granted the amnesty declared under section 3 if the reporter –

- (a) reports to the nearest Army or Police Unit, a chief, a member of the Executive Committee of a local government unit, a magistrate or a religious leader within the locality;
- (b) renounces and abandons involvement in the war or armed rebellion;
- (c) surrenders at any such place or to any such authority or person any weapons in his or her possession; and
- (d) is issued with a Certificate of Amnesty as shall be prescribed in regulations to be made by the Minister.

(2) Where a reporter is a person charged with or is under lawful detention in relation to any offence mentioned in section 3 of this Act, the reporter shall also be deemed to be granted the amnesty if the reporter –

- (a) declares to a prison officer or to a Judge or Magistrate before whom he or she is being tried that he or she has renounced the activity referred to in section 3 of this Act; and
- (b) declares his or her intention to apply for the amnesty under this Act.

(3) A reporter to whom subsection (2) applies shall not be released from custody until the Director of Public Prosecutions has certified that he or she is satisfied that –

- (a) the person falls within the provisions of section 3 of this Act; and
- (b) he or she is not charged or detained to be prosecuted for any offence not falling under section 3 of this Act.

(4) Subject to subsection (3), the Director of Public Prosecutions shall investigate the cases of all persons charged with or held in custody for criminal offences and shall take steps to cause to be released all persons involved in such cases who qualify for grant of amnesty under this Act, if those persons renounce all activity mentioned in section 3, in which they have been involved.

(5) Persons to whom section 3 applies and who are living outside Uganda shall be deemed to have been granted the amnesty if –

- (a) they renounce activities described in section 3; and
- (b) report to any Ugandan diplomatic mission, consulate or any international organisation which has agreed with the Government of Uganda to receive such persons.

(6) A reporter who has complied with any of the provisions of subsections (1), (2), (3) (4) and (5) applicable to him or her shall be granted a certificate to be specified by regulations as evidence of the grant of the Amnesty.

4. An official or authority specified in section 4 of this Act who receives a reporter under section 4 shall hand over the reporter and weapons, if any, to the Sub-county Chief of the area.

5. The Sub-county Chief on receiving a reporter seeking amnesty, shall hand over that reporter to the Demobilization and Resettlement Team established under section 11.

5A (*Inserted by Act 16 of 2002*)

(1) A person granted an amnesty under this Act, who after the grant to him or her of the amnesty commits an act mentioned in section 3—

(a) shall not be granted an amnesty for that act; and

(b) is liable to prosecution for that act.

(2) Where a person mentioned in subsection (1) of this section surrenders and satisfies the Commission that exceptional circumstances exist in his or her case, the provision of subsection (1) shall not apply to that person.

(3) Exceptional circumstances, shall mean any of the following—

(a) that the person has been abducted since the last grant of amnesty;

(b) that the act was committed under duress, coercion or undue influence.

(4) Where a person to whom subsection (1) applies, indicates that exceptional circumstances exist in his or her case to the satisfaction of the Court before which he or she is being tried, the Court shall refer the matter to the Amnesty Commission.

PART III-AMNESTY COMMISSION.

6. An Amnesty Commission is hereby established.

7. The Amnesty Commission shall be composed of the following persons appointed by the President with the approval of Parliament –

(a) a Chairperson who shall be a judge of the High Court or a person qualified to be a judge of the High Court; and

(b) six other members who shall be persons of high moral integrity.

8. The Commission shall have the following functions –

(a) to monitor programmes of –

(i) demobilization;

(ii) reintegration; and

(iii) resettlement of reporters;

(b) to co-ordinate a programme of sensitization of the general public on the amnesty law;

(c) to consider and promote appropriate reconciliation mechanisms in affected areas;

- (d) to promote dialogue and reconciliation within the spirit of this Act;
- (e) to perform any other function that is associated or connected with the execution of the functions stipulated in this Act.

9. (1) The Commission shall have a Secretary who shall be a public officer appointed by the Commission acting in consultation with the Public Service Commission, upon such terms and conditions as may be determined by the Commission and specified in his or her instrument of appointment.

(2) The Secretary shall be a person of high moral character and proven integrity, possessing the relevant qualifications and proven ability in the field of public administration.

(3) The Secretary shall perform such functions as may be assigned to him or her by the Commission.

- (4) The Secretary may be removed by the Commission only for –
- (a) inability to perform the functions of his or her office arising out of physical or mental incapacity;
 - (b) misbehaviour or misconduct; or
 - (c) incompetence.

(5) The Commission shall also have such other officers and employees as may be necessary for the discharge of its functions.

(6) The officers and employees referred to in subsection (5) shall be appointed by the Commission acting in consultation with the Public Service Commission, and shall hold office upon such terms and conditions as shall be determined by the Commission in consultation with the Public Service Commission.

10. A Demobilization and Resettlement Team is hereby established.

11. The DRT shall be composed of not more than seven members to be appointed by the President with the approval of the Sectoral Committee on Defence and Internal Security of Parliament.

12. The functions of the DRT shall be to draw programmes for –

- (a) de-Commissioning of arms;
- (b) demobilization;
- (c) re-settlement; and
- (d) reintegration of reporters.

13. (1) Subject to this Act, the DRT shall carry out its functions in accordance with Regulations made by the Minister.

(2) The DRT shall, in its day to day functions, be under the direct supervision of the Commission.

14. The Minister in consultation with the Minister responsible for finance shall determine the salaries and emoluments of the members of the Commission and the DRT which shall be charged on the Consolidated Fund.

15. All monies required to defray all expenses that may be incurred in the discharge of the functions of the Commission or the DRT in the carrying out of the purposes of this Act are charged on the Consolidated Fund.

PART IV-GENERAL

16. (1) This Act will remain in force for a period of two years from the date of coming into force of this Act.

(2) The Minister may by statutory instrument extend the period referred to in subsection (1).

(3) The Minister may by statutory instrument declare the lapse of the operation of Part II of this Act

17. The Minister may make regulations for the resettlement of persons under this Act and generally for the better carrying out of the provisions and principles of this Act.

Whereas it is common knowledge that hostilities directed at the Government of Uganda continue to persist in some parts of the country, thereby causing unnecessary suffering to the people of those areas:

AND WHEREAS it is the expressed desire of the people of Uganda to end armed hostilities, reconcile with those who have caused suffering and rebuild their communities:

AND WHEREAS it is the desire and determination of the Government to genuinely implement its policy of reconciliation in order to establish peace, security and tranquility throughout the whole country:

(Note: The above three paragraphs are the preamble to the Act as enacted in 2000. It is inserted here because it has, since the enactment of the Act, been removed from the body of the consolidated Act, as a result of general changes in the way that Acts of Parliament are arranged. It is however of particular interpretative for implementers of the Act and forms part of the legislative history of the Act. BA)