

CHAPTER 316

THE AMNESTY ACT

Arrangement of Sections

Section

PART I—INTERPRETATION

1. Interpretation

PART II DECLARATION OF AMNESTY, *ETC.*

2. Declaration of amnesty
3. Persons ineligible for amnesty
4. Grant of amnesty
5. Reporter to be handed over to chief administrative officer
6. Chief administrative officer to hand over reporter to Demobilisation and Resettlement Team
7. Prosecution of persons granted amnesty

PART III—AMNESTY COMMISSION

8. Establishment of Amnesty Commission
9. Members of Commission
10. Functions of Commission
11. Secretary and other staff of Commission
12. Establishment of Demobilisation and Resettlement Team
13. Composition of Demobilisation and Resettlement Team
14. Functions of Demobilisation and Resettlement Team
15. Demobilisation and Resettlement Team to carry out functions in accordance with regulations
16. Salaries and emoluments of Commission and Demobilisation and Resettlement Team
17. Funds and expenses of Commission and Demobilisation and Resettlement Team

PART IV—GENERAL

18. Duration
19. Regulations

CHAPTER 316

THE AMNESTY ACT

Commencement: 21 January, 2000

An Act to provide for an amnesty for Ugandans involved in acts of a warlike nature in various parts of the country and for related matters.

PART I—INTERPRETATION

1. Interpretation

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 III of this Act;

“DRT” means the Demobilisation 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. Declaration of amnesty

(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 the 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 the participation in the war or rebellion for any crime committed in the course of the war or armed rebellion.

3. Persons ineligible for amnesty

Notwithstanding the provisions of section 2, 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.

4. Grant of amnesty

(1) A reporter shall be taken to be granted the amnesty declared under section 2 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 2, 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 2; 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 2; and
- (b) he or she is not charged or detained to be prosecuted for any offence not falling under section 2.

(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 activities mentioned in section 2, in which they have been involved.

(5) Persons to whom section 2 applies and who are living outside Uganda shall be deemed to have been granted the amnesty if they

- (a) renounce all activities described in section 2; and
- (b) they report to any Ugandan diplomatic mission, consulate or any international organisation which has agreed with the Government of Uganda to receive such a person.

(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.

5. Reporter to be handed over to Chief Administrative Officer

An official or authority specified in section 4(1)(a) who receives a reporter under section 4 shall hand over the reporter and weapons, if any, to the subcounty chief of the area.

6. Chief Administrative Officer to hand over reporter to Demobilisation and Resettlement Team

The subcounty chief on receiving a reporter seeking amnesty shall hand over that reporter to the Demobilisation and Resettlement Team established under section 12.

7. Prosecution of persons granted amnesty

(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 2—

- (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) 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; or

- (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 Commission.

PART III—AMNESTY COMMISSION

8. Establishment of Amnesty Commission

There is established a commission to be known as the Amnesty Commission.

9. Members of Commission

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.

10. Functions of Commission

The Commission shall have the following functions—

- (a) to monitor programmes of—
 - (i) demobilisation;
 - (ii) reintegration; and
 - (iii) resettlement of reporters;
- (b) to coordinate a programme of sensitisation of the general public on the amnesty law;
- (c) to consider and promote appropriate reconciliation mechanisms in the 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.

11. Secretary and other staff of Commission

(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 in consultation with the Public Service 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.

12. Establishment of Demobilisation and Resettlement Team

There is established a team known as the Demobilisation and Resettlement Team.

13. Composition of Demobilisation and Resettlement Team

The Demobilisation and Resettlement Team 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.

14. Functions of Demobilisation and Resettlement Team

The functions of the Demobilisation and Resettlement Team shall be to draw programmes for—

- (a) decommissioning of arms;
- (b) demobilisation;
- (c) resettlement; and
- (d) reintegration,

of reporters.

15. Demobilisation and Resettlement Team to carry out functions in accordance with regulations

(1) Subject to this Act, the Demobilisation and Resettlement Team shall carry out its functions in accordance with regulations made by the Minister.

(2) The Demobilisation and Resettlement Team shall, in its day-to-day functions, be under the direct supervision of the Commission.

16. Salaries and emoluments of Commission and Demobilisation and Resettlement Team

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

17. Funds and expenses of Commission and Demobilisation and Resettlement Team

All money required to defray all expenses that may be incurred in the discharge of the functions of the Commission or the Demobilisation and Resettlement Team in the carrying out of the purposes of this Act are charged on the Consolidated Fund.

PART IV—GENERAL

18. Duration

(1) This Act will remain in force for a period of two years from the 19th day of July, 2006.

(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.

19. Regulations

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

History: Act 2/2000; Cap. 294 (Revised Edition, 2000); S.I. 6/2001; S.I. 44/2001; Act 16/2002; S.I. 5/2002; S.I. 48/2002; S.I. 3/2003; S.I. 34/2003; S.I. 3/2004; S.I. 23/2004; S.I. 26/2004; S.I. 50/2004; S.I. 74/2004; S.I. 7/2005; S.I. 70/2005; Act 18/2006; S.I. 9/2006; S.I. 24/2008; S.I. 21/2010; S.I. 34/2012; S.I. 35/2012; S.I. 17/2013; S.I. 18/2013; S.I. 20/2015; S.I. 28/2017; S.I. 20/2019; S.I. 28/2021; S.I. 64/2023
