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OFFICE OF THE
ATTORNEY-GENERAL
AND MINISTRY OF
JUSTICE
P. O. BOX MB. 60
MINISTRIES, ACCRA

My Ref No. L.I.16/2019

10th April, 2019

Your Ref No.

REPUBLIC OF GHANA

Fax No: 667609 / 666625

VIGILANTISM AND RELATED OFFENCES BILL, 2019

Please find attached the Vigilantism and Related Offences Bill, 2019.

This Office respectfully requests approval for the attached Vigilantism and Related Offences Bill, 2019 to be laid and considered in Parliament under a certificate of urgency in view of the current Parliamentary calendar.

A handwritten signature in black ink, appearing to read 'Gloria Akuffo'.

GLORIA AFUA AKUFFO (MISS)
ATTORNEY-GENERAL AND
MINISTER FOR JUSTICE

THE CLERK TO PARLIAMENT
PARLIAMENTARY SERVICE
PARLIAMENT HOUSE
ACCRA.

ATTN: MR. EBENEZER AHUMAH DJIETROR
(PRINCIPAL ASSISTANT CLERK)

CC: THE MAJORITY LEADER AND MINISTER
FOR PARLIAMENTARY AFFAIRS
PARLIAMENT HOUSE
ACCRA

ATTN: HON. OSEI KYEI-MENSAH-BONSU

THE MINORITY LEADER
PARLIAMENT HOUSE
ACCRA

ATTN: HON. HARUNA IDDRISU

VIGILANTISM AND RELATED OFFENCES BILL, 2019

MEMORANDUM

The object of the Bill is to disband political party vigilante groups and proscribe acts of vigilantism in the country.

Recent public elections including by-elections held in the Fourth Republic have been characterised by violence particularly by-elections held in the following constituencies: Akwatia, Atiwa, Chereponi, Talensi, Amenfi West and more recently Ayawaso West Wuogon.

The unfortunate incidents of politically-related and motivated violence has led to the formation, organisation and promotion of "vigilante" groups associated, connected or affiliated with political parties in the country. These vigilante groups show up during public elections or political party events for the sole purpose of providing security for elections and political party activities.

The phenomenon of politically-related violence threatens Ghana's fledgling democracy and the rule of law. Consequently, there has been widespread revulsion and condemnation expressed by the public in the aftermath of the Ayawaso West Wuogon by-election of 31st January, 2019. This led the President of the Republic to appoint a Commission of Inquiry, within a week of the occurrence of the unfortunate event, to investigate the matters that led to those events and make recommendations.

While the Commission of Inquiry was still sitting, the President, during his Message on the State of the Nation delivered on 21st February, 2019, encouraged the leadership of the two main political parties, namely, the New Patriotic Party and the National Democratic Congress, to come together to bring an end to this phenomenon of political party vigilantism. The President also stressed that if voluntary disbandment by the two main political parties was not feasible, then he would initiate legislation on the disbandment of political party vigilante groups.

Failure to comply with the requirements of the notice is an offence under the Bill punishable by a term of imprisonment of not less than five years and not more than fifteen years. The Minister is required under the clause to publish in the *Gazette*, a list of the disbanded political party vigilante groups within three months of the coming into force of the Bill.

Clause 3 prohibits the formation, organisation, operation or promotion of the formation, organisation, operation or activities of a political party vigilante group. The clause further prohibits membership of a political party vigilante and participation in the activities of a political party vigilante group. Participation in the activities of a political party vigilante group with an offensive weapon is an offence under the Bill for which the penalty is a term of imprisonment of not less than ten years and not more than twenty-five years.

Clause 4 proscribes aiding and abetting activities of political party vigilante group. The penalty for the offence is a term of imprisonment of not less than five years and not more than fifteen years.

A person is prohibited from funding a political party vigilante group under *clause 5*. Funding a political party vigilante group means providing or making available moneys or any other property to fund or facilitate the organisation, operation or activities of a political party vigilante group.

Under *clause 6*, a person is prohibited from facilitating, organising or promoting the organisation of land guards for the purposes of protecting or guarding land or property or engaging a land guard to protect or guard the property of that person or any other person.

Other acts of vigilantism are proscribed under *clause 7*. It is an offence for a person to to form, organise, or promote the organisation of a vigilante group, subscribe as a member of a vigilante group or act as a member of a vigilante group.

Clause 8 empowers the Minister to issue an executive instrument to expand the list of prohibited activities that are considered to be activities of political party vigilante groups.

Clause 9 empowers the Minister to make Regulations which are necessary for the effective implementation of the Bill.

Clause 10 is on the interpretation of words and phrases used in the Bill.

The increase in the use of land guards and its attendant violence across the country is another worrying phenomenon that threatens the right to own property, lives and liberty. There have been countless cases where property owners have been bullied off their property because of the use of land guards by certain citizens. In other cases, there have been deaths.

It is thus necessary to outlaw the use of land guards in this country. While outlawing the use of land guards, the Bill acknowledges the right of a property owner to protect property with justifiable force.

The Bill also takes into account the need to ensure that citizens are not deterred from coming together to protect lives and property within their neighbourhood or community as well as preventing crimes from being committed.

The Bill creates offences specific to political party vigilante groups, the phenomenon of land guards and other acts of vigilantism.

Clause 1 provides for the scope of application of the Bill. The Bill applies to a person who participates in the activities of a vigilante group that is associated, related, connected or affiliated to a political party, a political party officer, a political party member, a person who acts as a land guard and a person who engages in other acts of vigilantism.

The clause further provides for persons in respect of whom the Bill does not apply. These are a group of two or more persons, who live within the same neighbourhood or community, and who act in concert with the aim of preventing an offence from being committed within that neighbourhood or community or any other neighbourhood or community and a person, who having witnessed the commission of an offence, acts with the sole aim of preventing the further commission of that offence or any other offence.

Clause 2 provides for the disbandment of political party vigilante groups. A leader of a political party vigilante group is required to inform the Minister, by notice in writing, of the formal disbandment of the political party vigilante group within one month of the coming into force of the Bill. The notice is required to include the date of formal disbandment and the names of the past and present members of the disbanded political party vigilante group.



GLORIA AFUA AKUFFO (MISS)

Attorney General and Minister for Justice

Date 10th April, 2019

A
BILL
ENTITLED
VIGILANTISM AND RELATED OFFENCES ACT, 2019

AN ACT to disband political party vigilante groups; to proscribe acts of vigilantism in the country and to provide for related matters.

PASSED by Parliament and assented to by the President:

Preliminary

Application

1. (1) This Act applies to

(a) a person who participates in the activities of a vigilante group that is associated, related, connected or affiliated to a

(i) political party,

(ii) political party officer, or

(iii) political party member;

(b) a person who acts as a land guard; and

(c) a person who engages in other acts of vigilantism.

(2) This Act does not apply to

- (a) persons, who live within the same neighbourhood or community, and who act in concert with the aim of preventing an offence from being committed within that neighbourhood or community; and
- (b) a person, who having witnessed the commission of an offence, acts with the sole aim of preventing the further commission of that offence or any other offence.

(3) This Act shall be read together with relevant enactments and in particular, the Criminal Offences Act, 1960 (Act 29).

Political Party Vigilante Group

Disbandment of political party vigilante groups

2. (1) All political party vigilante groups in existence before the coming into force of this Act, including the groups set out in the Schedule, are disbanded.

(2) Despite subsection (1), the leaders of the disbanded political party vigilante groups shall, within one month after the coming into force of this Act, by notice in writing, inform the Minister of the formal disbandment of their political party vigilante groups.

(3) The notice referred to in subsection (2) shall include the date of the formal disbandment and the names of the past and present members of the disbanded political party vigilante group.

(5) Despite a provision in any enactment, a person who, armed with an offensive weapon, takes part in an activity of a political party vigilante group commits an offence and is liable on summary conviction to a term of imprisonment of not less than ten years and not more than twenty-five years.

Aiding and abetting of activities of political party vigilante group

4. (1) A person shall not
- (a) directly or indirectly,
 - (i) instigate,
 - (ii) command,
 - (iii) counsel,
 - (iv) procure,
 - (v) solicit, or
 - (b) in any other manner purposely
 - (i) aid,
 - (ii) facilitate,
 - (iii) encourage, or
 - (iv) promote,whether by a personal act or presence or otherwise, or
 - (c) do an act for the purposes of
 - (i) aiding,
 - (ii) facilitating,
 - (iii) encouraging, or
 - (iv) promotingthe activities of political party vigilante group.

(4) The Minister shall, within three months after the coming into force of this Act, publish in the *Gazette*, a list of the disbanded political party vigilante groups that have complied with subsections (2) and (3).

(5) A leader of a disbanded political party vigilante group who fails to comply with subsections (2) and (3) commits an offence and is liable on summary conviction to a term of imprisonment of not less than five years and not more than fifteen years.

Prohibition of political party vigilante group

3. (1) A person shall not directly or indirectly, form, organise, operate or promote the formation, organisation, operation or activities of a political party vigilante group.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a term of imprisonment of not less than five years and not more than fifteen years.

(3) A person shall not

- (a) subscribe as a member of a political party vigilante group;
- (b) take part in the activity of a political party vigilante group; or
- (c) act as a member of a political party vigilante group.

(4) A person who contravenes subsection (3) commits an offence and is liable on summary conviction to a term of imprisonment of not less than five years and not more than fifteen years.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a term of imprisonment of not less than five years and not more than fifteen years.

(3) A person who knowingly or having reason to believe that another person is a member of a political party vigilante group or participates in the activity of a political party vigilante group, shall not aid, conceal or harbour that other person, with the purpose of enabling the person to avoid lawful arrest.

(4) A person who contravenes subsection (3) commits an offence and is liable on summary conviction to a term of imprisonment of not less than five years and not more than fifteen years.

Funding of political party vigilante group

5. (1) A person shall not, directly or indirectly, provide or make available moneys or any other property to fund or facilitate the organisation, operation or activity of a political party vigilante group.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a term of imprisonment of not less than five years and not more than fifteen years.

Vigilantism

Prohibition of activities of land guards

6. (1) A person shall not, directly or indirectly, facilitate, organise or promote the organisation of land guards, for the purposes of protecting or guarding land or property, whether belonging to that person or any other person.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a term of imprisonment of not less than five years and not more than fifteen years.

(3) Despite a provision in any enactment, a person shall not act as a land guard.

(4) A person who contravenes subsection (3) commits an offence and is liable on summary conviction to a term of imprisonment of not less than five years and not more than fifteen years.

(5) A person shall not directly or indirectly, engage a land guard to protect or guard the property of that person or any other person.

(6) A person who contravenes subsection (5) commits an offence and is liable on summary conviction to a term of imprisonment of not less than five years and not more than fifteen years.

(7) Despite a provision in any enactment, a person who is armed with an offensive weapon shall not act as a land guard.

(8) A person who contravenes subsection (7) commits an offence and is liable on summary conviction to a term of imprisonment of not less than ten years and not more than twenty-five years.

Other acts of vigilantism

7. (1) Subject to the Constitution, a person shall not
- (a) directly or indirectly, form, organise or promote the organisation of a vigilante group;
 - (b) subscribe as a member of a vigilante group; or
 - (c) act as a member of a vigilante group.
- (2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a term of imprisonment of not less than five years and not more than fifteen years.

Miscellaneous Provisions

Power of Minister to prohibit activities of political party vigilante groups

8. The Minister may, by executive instrument, expand the list of prohibited activities of a political party vigilante group as specified in section 10.

Regulations

9. The Minister may, by legislative instrument, make Regulations which are necessary to give effect to this Act.

Interpretation

10. In this Act, unless the context otherwise requires,
“land guard” means a person who uses violence or the threat of violence to protect or guard land or property belonging to that person or another person.

“Minister” means the Minister responsible for Justice;

“neighbourhood or community” includes an area, a village, a town and a district;

“offensive weapon” means an article made or adapted to cause harm to a person;

“political party member” means a registered member of a political party;

“political party” means a free association or organisation of persons, one of whose objects is to bring about the election of its candidates to public office or to strive for power by the electoral process and by this means to control or influence the actions of Government;

“political party officer” includes

- (a) an elected and appointed officer of a political party; and
- (b) a member of a committee, a unit, a department, a group and an organisation of a political party;

“political party vigilante group” means a group of two or more persons acting as a vigilante group associated, related, connected or affiliated to a political party and acting in concert with the aim of enforcing law and order without authority and may engage in activities which include

- (a) providing protocol and security services at events of the political party;
- (b) providing protocol and security services for a political party member and a political party officer;
- (c) providing security services during public elections;

(d) providing training for the purposes of providing protocol and security services

(i) to a political party,

(ii) to a political party member,

(iii) to a political party officer, and

(iv) during public elections; and

(e) acting in a manner likely or intended to intimidate voters or prevent voters from exercising their franchise;

“public election” includes elections and referenda conducted and supervised by the Electoral Commission, pursuant to article 45 of the Constitution;

“vigilante” means a person acting with the aim of enforcing law and order without authority except pursuant to article 3 of the Constitution;

“vigilante group” means a group of two or more persons, acting in concert with the aim of enforcing law and order without authority except as provided in article 3 of the Constitution or any other enactment; and

“vigilantism” means the act of enforcing law and order without authority except as provided in article 3 of the Constitution or any other enactment.

SCHEDULE

(section 2 (1))

1. The Hawks
2. Invincible Forces
3. Delta Force
4. Azorka Boys
5. Bamba Boys
6. Kandahar Boys
7. Bolga Bulldogs