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**IN THE THIRD SESSION OF THE SEVENTH PARLIAMENT  
OF THE FOURTH REPUBLIC OF GHANA**

**REPORT OF THE COMMITTEE ON CONSTITUTIONAL,  
LEGAL AND PARLIAMENTARY AFFAIRS**

**ON THE**

**VIGILANTISM AND RELATED OFFENCES BILL, 2019**

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**REPORT OF THE COMMITTEE ON CONSTITUTIONAL, LEGAL  
AND PARLIAMENTARY AFFAIRS ON THE VIGILANTISM AND  
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**1.0 INTRODUCTION**

- 1.1 On 11<sup>th</sup> April, 2019, the Hon. Attorney-General and Minister for Justice, Miss Gloria Akuffo laid in Parliament the Vigilantism and Related Offences Bill, 2019 under certificate of urgency in accordance with Article 106(13) of the 1992 Constitution.
- 1.2 Consequently, the Rt. Hon. Speaker referred the Bill to the Committee on Constitutional, Legal and Parliamentary Affairs for consideration and report pursuant to Orders 179 of the Standing Orders. The Rt. Hon. Speaker further directed the Committee to determine the urgency or otherwise of the Bill in accordance with Article 106(13) of the 1992 Constitution and Order 119 of the Standing Orders of Parliament.
- 1.3 In its earlier Report which was submitted to the House in April 2019, the Committee communicated its unanimous determination to the House that the Bill was of urgent nature but recommended that broader consultation with stakeholders be undertaken before the passage of the Bill. The House therefore granted the Committee's request to be given sufficient time to undertake the said consultation with Stakeholders.

**2.0 DELIBERATIONS**

- 2.1 The Committee caused notices to be published in both print and electronic media to seek Memoranda from the general public. The Committee also wrote to key Stakeholders including the political parties, security agencies, security experts, religious bodies and Civil Society Organisations (CSOs) to request same.
- 2.2 The Committee proceeded to hold a Conference to discuss the views and perspectives of Stakeholders.
- 2.3 The Committee met with Officials of the Office of the Attorney-General and Ministry of Justice and Mrs. Angela Dwamena, a private legal practitioner with expertise in governance to assist in the consideration exercise. The Committee is profoundly grateful to all those who attended upon the Committee and assisted in the deliberations.

**3.0 REFERENCE DOCUMENTS**

The Committee referred to the following documents during its deliberations:

- i. The 1992 Constitution of the Republic of Ghana;

- ii. The Standing Orders of Parliament;
- iii. The Political Parties Act, 2000 (Act 574)
- iv. The Criminal Offences Act, 1960 (Act 29);
- v. Report of the Committee on the Urgency or otherwise of the Vigilantism and Related Offences Bill, 2019; and
- vi. Written Memoranda received from Stakeholders.

#### **4.0 BACKGROUND INFORMATION**

- 4.1 Though the concept of vigilantism connotes the act of enforcement of law by persons without authority, there have been increasing cases of group of persons who engage in violent acts under the cloak of vigilantism. These violent acts of vigilantism usually occur during the conduct of public elections, and in the protection of private property.
- 4.2 In the area of public elections, reference can be made to violence which occurs in our public elections especially during by-elections held within the Fourth Republic. Some of these by-elections include those held in the Akwatia, Atiwa, Chereponi, Talensi, Amenfi West and Ayawaso West Wuogon Constituencies.
- 4.3 Among the recent acts of political party vigilantism is the violence which characterized the Ayawaso West Wuogon Constituency by-election held on the 31<sup>st</sup> January, 2019 and which said violence was roundly condemned.
- 4.4 The Government responded to the above development by appointing a Commission of Enquiry to investigate the matters that led to the Ayawaso West Wuogon Constituency by-election violence and make recommendations.
- 4.5 The President, in his Message on the State of the Nation delivered on 21<sup>st</sup> February, 2019, called on the Leadership of the two main political parties, namely, the New Patriotic Party (NPP) and the National Democratic Congress (NDC) 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.
- 4.6 In respect of protection of private immovable property, there is an increasing case of people engaging the services of land guards to protect landed property, and the phenomenon has resulted in acts of violence across the country. This continues to threaten the exercise of the right of citizens to own property. There have been countless cases where

property owners have been chased out of their property by land guards, with records of deaths in some cases.

- 4.7 Pursuant to the promise of the President to outlaw political vigilantism in the country and the necessity to combat other acts of vigilantism, the Hon. Attorney-General and Minister for Justice laid the Vigilantism and Related Offences Bill, 2019 in Parliament for its passage.

## **5.0 OBJECT OF THE BILL**

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

## **6.0 SUMMARY OF PROVISIONS OF THE BILL**

- 6.1 The Bill contains ten (10) Clauses.
- 6.2 Clause 1 of the Bill provides for the scope of the Bill; its application to political parties, officers of political parties, members of political parties, persons who act as land guards and persons who engage in other acts of vigilantism.
- 6.3 Provisions have also been made for the disbandment of political party vigilante groups, and prohibition of formation, organisation, operation of political party vigilante groups or promotion of same in the country (Clauses 2 and 3 of the Bill).
- 6.4 Further to this, Clauses 4 and 5 of the Bill criminalizes aiding and abetting of the activities of political party vigilante groups and funding of political party vigilante groups respectively.
- 6.5 Under Clause 6 of the Bill, a person is prohibited from facilitating, organising or promoting the organisation of land guards for the purpose of protecting or guarding land or property or engaging a land guard to protect or guard property of that person or any other person.
- 6.6 Clause 7 of the Bill proscribes other acts of vigilantism including the formation, organisation, or promotion of the organisation of vigilante groups.
- 6.7 The Hon. Minister for Justice is empowered under Clauses 8 and 9 to issue an Executive Instrument and Regulations necessary for the effective implementation of the Bill.
- 6.8 The Bill ends with Clause 10, which provides for the interpretation of words and expressions used in the Bill.

## **7.0 OBSERVATIONS**

The Committee made the following observations during its deliberations:

### **7.1 Necessity for the Introduction of the Bill**

Officials of the Office of the Attorney-General and Ministry of Justice stated that there are existing laws which touch aspects of vigilantism such as the Criminal Offences Act, 1960 (Act 29) and the Political Parties Act, 2000 (Act 574). They stated that, most of the offences contained in the existing laws are misdemeanours and are not punitive enough. According to them, the enactment of a specific law with deterrent sanctions is what is needed to holistically address the menace.

### **7.2 Definition of vigilantism and related terminologies**

The Committee noted that the definitions of key terminologies in the Bill do not reflect the nature of the problem we seek to deal with. The Bill defines vigilantism as “the act of enforcing law and order without authority...” While the Committee concurs that this definition reflects the dictionary meaning of the terminology, it does not reflect the understanding of the term in Ghana. The term vigilantism has become associated with violence and blatant breach of our laws, and has nothing to do with law enforcement whatsoever. To this end, the Committee has proposed the necessary amendments based on Article 3(2) of Article 1992 Constitution for the consideration of the House.

On the basis of the above, the Committee urges the Hon. Attorney-General to review the Memorandum accompanying the Bill.

### **7.3 Expansion of the scope and purpose of the Bill**

The main purpose of the Bill as already stated is to disband political party vigilante groups and proscribe acts of vigilantism in the country. However, the Committee found this purpose of the Bill to be limited in scope, considering the diverse nature and complexities that the phenomenon of vigilantism has garnered over the years. In the view of the Committee, this calls for a broader scope of application of a special-purposed law to cover areas such as chieftaincy, religion and illegal mining (galamsay). An amendment to this effect has been proposed to expand the scope of application, for the consideration of the House.

### **7.4 Disbandment of Political Party Vigilante Groups**

The Committee again noted that the Bill seeks to disband all political party vigilante groups in the country. The Bill identifies seven (7) political vigilante groups to be disbanded in its Schedule as the Hawks, Invincible Force, Delta Force, Azorka Boys, Kandahar Boys and Bolga Bulldogs.

However, the Committee identified additional nineteen (19) political party vigilante groups in the country based on a research conducted by the Centre for Democratic Development (CDD) and the Kofi Annan Peacekeeping Training Centre (KAIPC). The Committee proposes that the additional list be added to the list in the Schedule and be equally disbanded. Accordingly, the Committee has proposed the necessary amendment to the Schedule in that regard.

#### **7.5 Formation and operation of Vigilante Groups**

The Bill would prohibit the formation, organisation, operation or promotion of the formation, organisation, operation or activities of new political party vigilante group. It would also prohibit persons from joining political party vigilante group or participating in the activities of political party vigilante groups. Again, participation in the activities of political party vigilante groups with an offensive weapon is prohibited by the Bill and offenders may face terms of imprisonment between ten and twenty-five years.

Further to this, the Bill proscribes aiding and abetting activities of political party vigilante groups, with the penalty being term of imprisonment ranging from five years and fifteen years.

#### **7.6 Funding of vigilante groups**

The Committee finally observed that the Bill prohibits persons from funding vigilante groups or their activities in the country. The Bill defines funding of a vigilante group to mean the provision of moneys or other property to fund or facilitate the organisation, operation or activities of vigilante groups. Offenders would face custodial sentences ranging from five years to fifteen years.

### **8.0 PROPOSED AMENDMENTS**

Based on the above observations, the Committee proposes the attached amendments for the consideration of the House.

### **9.0 CONCLUSION AND RECOMMENDATION**

The Committee is mindful of the spate of vigilantism which is perpetrated by certain groups of people to advance certain interest.

The phenomenon of political party vigilantism has been increasing in number and complexity in recent times which therefore threatens the country's nascent democracy and Rule of Law.

The Committee also notes the increasing use of land guards in some parts of the country and its attendant violence across the country. This manifestation of vigilantism continues to threaten the right of people to own land.

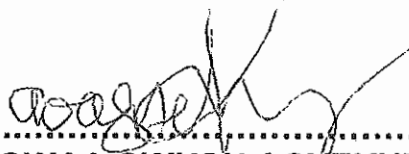
The Committee believes that the enactment of a stand-alone legislation to specifically define vigilantism with deterrent penalties will not only support the work of law enforcement agencies but will also send strong signal to perpetrators about the aggressive policy of the State to combat the menace.

On the basis of the above and subject to the adoption of its proposed amendments, the Committee recommends to the House to adopt its Report and to pass the Vigilantism and Related Offences Bill, 2019 in accordance with Article 106 of the Constitution, 1992 and the Standing Orders of the House.

Respectfully submitted.



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**HON. BEN ABDALLAH BANDA  
CHAIRMAN, COMMITTEE ON  
CONSTITUTIONAL, LEGAL AND  
PARLIAMENTARY AFFAIRS**



.....  
**AKUA DUROWAA OWUSU AGYEKUM (MRS)  
(CLERK TO THE COMMITTEE)**