

INTERNATIONAL COURT OF JUSTICE

**CASE CONCERNING
ARMED ACTIVITIES ON THE TERRITORY OF THE CONGO**

**DEMOCRATIC REPUBLIC OF THE CONGO
v.
UGANDA**

**UGANDA'S ANSWERS TO THE QUESTIONS
FROM THE COURT DATED 11 JUNE 2018**

1 NOVEMBER 2018

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Question 6

Could Uganda explain if there were any procedures in place between 1998 and 2003 in Uganda to determine the origin of gold, diamonds, timber, or coltan dealt with in Uganda or exported from Uganda?

Response:

1. Between 1998 and 2003, Uganda had in place only procedures to determine the origin of gold and diamonds before their import into and export from Uganda. The procedure was set out in the Mining Act Cap. 148 of 1949¹ and Mining Regulations SI 148-1 of 1949,² as elaborated below.

2. The Mining Act, which regulated the possession, purchase and sale of minerals, restricted the import of certain types of minerals.³ Any person seeking to import into Uganda such minerals was required to make a declaration before a customs officer and obtain a certificate of importation. The declaration and certification requirements were set out in section 71(2) of the Mining Act as follows:

“No person shall import any unwrought precious metal or precious stones into Uganda ... unless he or she makes a declaration before a customs officer and obtains a certificate of importation”.

¹ Uganda, *The Mining Act Cap. 148* (1949) (hereinafter “the Mining Act”) Annex S-1. The Mining Act was repealed by the 2003 Mining Act, which came into effect on 14 December 2004.

² Uganda, *The Mining Regulations, Statutory Instrument 148—1* (1949) (hereinafter “the Mining Regulations”) Annex S-2. The Mining Regulations were repealed by the Mining Regulations SI—71, which were adopted on 2 September 2004.

³ The Mining Act, Part VI, Annex S-1.

3. The Mining Act defined “precious metal” to mean “gold, silver or metal of the platinoid group in the unmanufactured state, including ores containing such metal”.⁴ “Unwrought precious metal” included “precious metal in any form whatever, smelted or unsmelted, refined or unrefined, which though smelted is not manufactured or made up into any article of commerce, and includes amalgam, slimes, slags, gold-bearing concentrates, pots, battery chips, sweepings of reduction works and scrapings and by-products of unrefined precious metal”.⁵ “Precious stones” were defined to cover “diamond, emerald, opal, ruby, sapphire, turquoise and any other stones which the Minister may by statutory instrument declare to be included in this definition”.⁶

4. The declaration and certification requirements under section 71(2) of the Mining Act were implemented through the Mining Regulations, which prescribed mandatory declaration and certification forms for the import of gold and diamonds. Specifically, section 82 of the Mining Regulations provided:

“A declaration by a person seeking to import any unwrought precious metal or precious stones into Uganda shall be in Form XXX in the First Schedule to these Regulations, and a certificate of any such importation shall be in Form XXXI in that Schedule”.⁷

5. Form XXX, entitled “Declaration on Importation of Unwrought Precious Metal or Precious Stones”, and Form XXXI, entitled “Certificate of Importation

⁴ *Ibid.*, Section 1(bb).

⁵ *Ibid.*, Section 1(jj).

⁶ *Ibid.*, Section 1(cc).

⁷ The Mining Regulations, Annex S-2.

of Unwrought Precious Metal or Precious Stones”, are included in Annex S-2 to this submission.⁸

6. As Form XXX reflects, a person seeking to import unwrought precious metals or precious stones, including gold and diamonds, was required to “solemnly and sincerely” declare in a Declaration of Importation the origin of those minerals by specifying the “place” where those minerals were obtained, the “person” from whom they were obtained, and the “date” when they were obtained. Similarly, Form XXXI mandated that a Certificate of Importation indicate the origin of unwrought precious metals or precious stones, including gold and diamonds, in accordance with information provided in a Declaration on Importation.

7. As regards the determination of the origin of gold and diamonds before their export from Uganda, the Mining Act provided in section 71(3) that “[b]efore any such unwrought precious metals or precious stones are reexported from Uganda, the certificate [of importation] shall be surrendered to a customs officer”.⁹ Because, as stated, the origin of unwrought precious metals or precious stones, including gold and diamonds, was required to be declared in a Declaration on Importation and a Certificate of Importation, the origin of those minerals was thus necessarily also determined for purposes of their export from Uganda.

⁸ *Ibid.*, [PDF] pp. 94-95.

⁹ The Mining Act, Section 71(3), Annex S-1.

8. Therefore, between 1998 and 2003, Uganda had procedures in place to determine the origin of gold and diamonds imported into and exported from Uganda.¹⁰

9. Moreover, in recent years there has been increasing realization by States in the Great Lakes Region of the importance of establishing comprehensive certification of origin procedures. Acknowledging that only coordinated efforts among all interested States can curb the illegal exploitation of natural resources in the region, on 30 November 2006, the member States of the International Conference on the Great Lakes Region (“ICGLR”),¹¹ which includes Uganda, concluded the Protocol Against the Illegal Exploitation of Natural Resources.¹²

¹⁰ Uganda notes that whether it had such procedures is not technically relevant to the question of reparation currently before the Court. The Court has made clear that Uganda is under obligation to make reparation to the DRC only for those wrongful acts identified in the 2005 Judgment. As shown in Uganda’s Counter-Memorial, the Court has made no finding that Uganda breached any international obligation owed to the DRC related to a failure to determine or to exercise due diligence in determining the origin of natural resources dealt with in or exported from Uganda between 1998 and 2003. In Uganda’s view, this constitutes a *ratione materiae* limitation on the scope of its obligation to make reparation based on the existence or non-existence of such procedures.

¹¹ The International Conference on the Great Lakes Region (“ICGLR”) is an intergovernmental organization of African countries in the African Great Lakes region. The organization is composed of twelve member states, namely: Angola, Burundi, Central African Republic, Republic of Congo, Democratic Republic of Congo, Kenya, Uganda, Rwanda, Republic of South Sudan, Sudan, Tanzania and Zambia. ICGLR, available at <http://www.icglr.org/index.php/en/> (last accessed 30 Oct. 2018).

¹² Conférence Internationale Sur la Région des Grands Lacs, *Protocole sur la Lutte contre l’Exploitation Illégale des Ressources Naturelles* (hereinafter “Protocol”), available at https://ungreatlakes.unmissions.org/sites/default/files/cirgl_protocole_sur_la_lutte_contre_l'exploitation_illegale_des_ressources_naturelles.pdf (30 Nov. 2006) (last accessed 30 Oct. 2018).

The original text of the Protocol is in French. For an English translation, see ICGLR, *Protocol Against the Illegal Exploitation of Natural Resources*, available at https://ungreatlakes.unmissions.org/sites/default/files/icglr_protocol_against_the_illegal_exploitation_of_natural_resources.pdf (30 Nov. 2006) (last accessed 30 Oct. 2018).

Through the Protocol, the member States have agreed “to put in place a regional certification mechanism for the exploitation, monitoring and verification of natural resources within the Great Lakes Region”.¹³ Pursuant to Article 11, member States committed themselves “to establish a regional mechanism whose objective shall be to serve as a tool for combating the illegal exploitation of natural resources” by “institut[ing] accredited standards as regards natural resource exploitation” and “include[ing] provisions on certification of origin”.¹⁴

10. In 2009, the ICGLR member States launched the “Regional Initiative against the Illegal Exploitation of Natural Resources” (“RINR”), which “aims at breaking the link between mineral revenues and rebel financing”.¹⁵ To implement the RINR and Protocol’s provisions, on 15 December 2010, ICGLR member States approved “six tools to curb illegal exploitation of natural resources namely: (1) Regional Certification Mechanism; (2) Harmonization of National Legislation; (3) Regional Database on Mineral Flows, (4) Formalization of the Artisanal Mining Sector; and (5) Promotion of the Extractive Industry Transparency Initiative (EITI) and (6) Whistle Blowing Mechanism; with the understanding that

The Protocol is one among ten protocols to the Pact on Security, Stability and Development in the Great Lakes Region, which was signed 15 December 2006 and entered into force in June 2008 (and was amended in November 2012 to include Republic of South Sudan). See ICGLR, *The Pact on Security, Stability and Development for the Great Lakes Region*, available at <http://www.icglr.org/images/Pact%20ICGLR%20Amended%2020122.pdf> (Dec. 2006, Amended Nov. 2012) (last accessed 30 Oct. 2018). The Protocol entered into force for Member States upon entry into force of the Pact.

¹³ Protocol, Art. 11.

¹⁴ *Ibid.*

¹⁵ The Executive Secretariat of ICGLR, *The Regional Initiative on the Fight Against Illegal Exploitation of Natural Resources of the International Conference on the Great Lakes Region*, p. 1, Annex S-3.

some tools are still work in progress that needs further reflection and refinement”.¹⁶

11. The Regional Certification Mechanism (“RCM”) focuses on the certification of the origin of “four minerals, namely: tin, tantalum, tungsten, and gold (3TGs), referred to as ‘Conflict Minerals’ under the Dodd-Frank Consumer Protection Act ... and as ‘Designated Minerals’ under the ICGLR mineral certification scheme”.¹⁷ The certification process under the RCM consists of six elements: mine site inspection and certification; mineral chain of custody tracking; mineral export and certification; mineral tracking database; third party audits; and the independent mineral chain auditor.¹⁸ Through this process, the RCM seeks “to provide for sustainable conflict-free mineral chains in and between ICGLR Member States” in order to “eliminate financial channels supporting armed groups that sustain or prolong conflict, and/or otherwise engage in serious human rights abuses”.¹⁹

12. Uganda is one of three States out of the twelve ICGLR States that has already incorporated the Protocol Against the Illegal Exploitation of Natural Resources into its domestic legislation.²⁰

¹⁶ The Executive Secretariat of ICGLR, *Lusaka Declaration of the ICGLR Special Summit to Fight Illegal Exploitation of Natural Resources in the Great Lakes Region* (15 Dec. 2010), para. 2.

¹⁷ The Executive Secretariat of ICGLR, *The Regional Initiative on the Fight Against Illegal Exploitation of Natural Resources of the International Conference on the Great Lakes Region*, p. 3, Annex S-3.

¹⁸ *Ibid.*

¹⁹ *Ibid.*

²⁰ On 12 December 2017 Uganda’s President assented to the Parliament’s Bill for an Act entitled “The International Conference on the Great Lakes Region (Implementation of the Pact on Security, Stability and Development in the Great Lakes Region)”. The purpose of this Act is “to give force of law in Uganda to the Pact on Security, Stability and Development in the Great Lakes

Question 7

Has either Party so far investigated or prosecuted any individuals in relation to violations of international humanitarian law in the DRC in the period 1998-2003?

Response:

1. Uganda conducted a number of investigations of and prosecutions for wrongful acts committed on the territory of the DRC in the period 1998-2003. Those investigations and prosecutions were, however, frustrated for legal and logistical reasons that have been addressed by changes made in 2005 to the law governing the conduct of the Uganda People's Defence Forces ("UPDF").
2. In 2001, for example, Private Okello Otim Tonny was charged by UPDF authorities with the murder of six Congolese citizens at the Gemena Town Police Station.²¹ He pled not guilty to the charges²² and was subsequently tried by a UPDF general court-martial located in Gemena.²³ The prosecution, led by UPDF Capt. Moses Wandera, presented six witnesses, including Dr. Mubeta Temoyla, a Congolese doctor working at the Gemena Hospital who prepared the *post mortem*

Region" which also includes the Protocol Against the Illegal Exploitation of Natural Resources. See Uganda, *The International Conference on the Great Lakes Region (Implementation of the Pact on Security, Stability and Development in the Great Lakes Region), Act 2017* (2017) Annex S-4. The other two states that incorporated the Protocol are the DRC and Rwanda.

²¹ Uganda People's Defence Forces in the General Court Marshal (G.C.M), *Uganda Prosecutor v. RA 134917 PTE Okello Otono Tonny*, Case No. UPDF/GCM/017/2001, Commencement (7 Jan. 2001) Annex S-5.

²² Uganda People's Defence Forces in the General Court Marshal (G.C.M), *Uganda Prosecutor v. RA 134917 PTE Okello Otono Tonny*, Case No. UPDF/GCM/017/2001, Trial Proceedings (7 Jan. 2001) Annex S-6.

reports and death certificates.²⁴ Private Tonny was ultimately convicted on all counts and sentenced to death by hanging.²⁵

3. His conviction was, however, subsequently overturned on appeal on the grounds that although the then-applicable law (the 1992 National Resistance Army (“NRA”) Statute) contemplated prosecutions for acts committed outside Ugandan territory,²⁶ it did *not* permit general courts-martial to be convened outside the territory of Uganda. Specifically, section 80(3) of the NRA Statute provided that such courts-martial “may sit at any place in Uganda” (i.e., *not* outside Uganda). The court martial pursuant to which Private Tonny was convicted was therefore deemed not authorized by law.

4. The relevant authorities determined that they would not be able to present a viable case against Private Tonny in Uganda in light of the logistical difficulties such a prosecution would entail. The witnesses were largely DRC citizens located in Gemena like Dr. Temoyla and not available to testify in Uganda. The authorities therefore were not able to retry Private Tonny. He was instead discharged from the UPDF with disgrace.²⁷

5. Other investigations into the actions of UPDF soldiers in the DRC were frustrated for similar reasons. In such cases, rather than being tried in Uganda with

²³ Uganda People’s Defence Forces in the General Court Marshal (G.C.M), *Uganda Prosecutor v. RA 134917 PTE Okello Otono Tonny*, Case No. UPDF/GCM/017/2001, Final Verdict (3 July 2001), p. 25, Annex S-7.

²⁴ *Ibid.*, pp. 25-26.

²⁵ *Ibid.*, p. 27.

²⁶ Uganda, National Resistance Army Statute (20 Mar. 1992) Annex S-8.

²⁷ Uganda Peoples’ Defence Forces, Directorate of Records, *Discharge of RA 134917 PTE Okello Otono Tonny* (14 Oct. 2004) Annex S-9.

all the difficulties such trials would entail, the soldiers in question were, like Private Tonny, discharged from the UPDF.

6. Uganda subsequently changed the laws applicable to the UPDF to authorize the convening of general courts-martial outside the territory of Uganda. In 2005, the 1992 NRA Statute was replaced by the UPDF Act, section 41(3) of which specifically provides that suspects can now be tried “at the scene of the crime”.²⁸

²⁸ Uganda, The Uganda People’s Defence Forces Act (2 Sept. 2005) Annex S-10.

Question 17

Can both Parties submit their views with respect to collective reparations, including the form they should take?

Response:

1. In Uganda’s view, there is no basis for the award of collective reparations in this case.

2. *First*, however the term “collective reparations” may be defined, the DRC has neither claimed such reparations nor adduced any evidence that might support an award of them in this case. In its Order of 1 July 2015, the Court made clear that “each Party should set out in a Memorial *the entirety of its claim for damages* which it considers to be owed to it by the other Party and *attach to that pleading all the evidence on which it wishes to rely*”.²⁹ The DRC’s Memorial on reparation makes no reference whatsoever to “collective reparations,” let alone presents a claim labelled under that heading. Nor has the DRC espoused the claims of specified nationals, including “collectives” of its nationals. Instead, the DRC has presented only claims for harm to the DRC itself, which it seeks to measure, in part, through calculations based upon unsubstantiated harms to unspecified individuals. Moreover, even if it could be said that the DRC was espousing the claims of a large number of its nationals, that would not constitute a distinguishable “collective” for the purpose of “collective reparations”.

3. Indeed, the Court will recall that the DRC asserts in its Memorial on reparation that it wishes to set up a commission “charged with establishing a procedure by which the victims will be able to present their *individual claims* for

²⁹ *Armed Activities on the Territory of The Congo (Democratic Republic of The Congo v. Uganda)*, Order of 1 July 2015, I.C.J. Reports 2015, p. 580, para. 8.

restitution, reviewing these claims and distributing the sums due as compensation”.³⁰ The statement that persons will have to prove their “individual claims” to obtain compensation further demonstrates that the DRC has not contemplated receiving reparation which it intends to use for collective reparations.

4. *Second*, had the DRC claimed collective reparations in its Memorial, Uganda would have provided detailed legal arguments demonstrating that such reparations are not appropriate for and are not awarded in inter-State proceedings. For example, the International Law Commission’s Articles on Responsibility of States for Internationally Wrongful Acts deal comprehensively with the subject of reparation. Yet collective reparations are *not* mentioned anywhere either in the text of the articles or the commentaries thereto as a form or method of reparation that can be awarded in inter-State proceedings.

5. *Third*, nothing at the merits phase of this case indicated to either Party an intention by the Court to consider collective reparations. Indeed, the Court’s 2005 Judgment contains no reference either in its reasoning or in its *dispositif* to the possibility of collective reparations. Rather, as Uganda recalled in its Counter-Memorial on reparation, the 2005 Judgment placed the burden on the DRC “*to demonstrate and prove the exact injury that was suffered as a result of specific actions of Uganda constituting internationally wrongful acts for which it is responsible*”.³¹ The requirement that the DRC establish “the exact injury” suffered “as a result of specific actions of Uganda” underscores that Court did not envisage “collective reparation” in the present case. Similarly, sub-paragraph 5 of the

³⁰ Memorial of the Democratic Republic of Congo (Sept. 2016), para. 7.51 (emphasis added).

³¹ *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, Judgment, I.C.J. Reports 2005, p. 168, para. 260 (emphasis added).

Court's *dispositif* found Uganda "under obligation to make reparation to the Democratic Republic of the Congo for the injury caused".³²

6. For these reasons, Uganda respectfully submits that collective reparations cannot be awarded in the present case. If the DRC were to make a new claim to that effect at this late stage of proceedings, that claim would be barred by reason of the *non ultra petita* rule, which is jurisdictional in nature.³³

³² *Ibid.*, para. 345.

³³ The *Corfu Channel Case (Assessment of the Amount of Compensation Due From the People's Republic of Albania to the United Kingdom of Great Britain and Northern Ireland)*, I.C.J. Reports 1949, p. 244, at p. 249; *Request for Interpretation of the Judgment of November 20, 1950, in the asylum case*, I.C.J. Reports 1950, p. 395, at p. 402. (The Court held that "it is the duty of the Court not only to reply to the questions as stated in the final submissions of the parties, but also to abstain from deciding points not included in those submissions"); *Barcelona Traction, Light and Power Company (Belgium v. Spain)*, I.C.J. Reports 1970, p. 3, para. 49 (The Court held that it was "not open to the Court to go beyond the claim as formulated by the Belgian Government"). See also S. Rosenne, *The Law and Practice of the International Court, 1920–1996*, Vol. II (3rd ed., 1997), p. 595. ("While not disputing the view that the *non ultra petita* rule may properly be regarded as one of procedure, in international litigation it is also appropriate to regard it as an aspect of jurisdiction. As such, however, it has a quantitative and not a qualitative effect. It does not confer jurisdiction on the Court or detract jurisdiction from it. It limits the extent to which the Court may go in its decision").

Respectfully submitted,

A handwritten signature in blue ink, appearing to be 'Mirjam Blaak', enclosed within a large, stylized blue oval flourish.

Amb. Mirjam Blaak

CO-AGENT OF THE REPUBLIC OF UGANDA

1 November 2018

CERTIFICATION

I certify that the Annexes are true copies of the documents referred to.

A handwritten signature in blue ink, appearing to be 'Mirjam Blaak', enclosed within a large, loopy blue oval stroke.

Amb. Mirjam Blaak

CO-AGENT OF THE REPUBLIC OF UGANDA

1 November 2018

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CHAPTER 148**THE MINING ACT.****Arrangement of Sections.**

Section

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CHAPTER 148

THE MINING ACT.

Commencement: 1 January, 1949.

An Act to consolidate the law as to mines and minerals.

PART I—GENERAL.

1. Interpretation.

In this Act, except where the context otherwise requires—

- (a) “agent” includes a tributer or option holder or any person placed in charge of prospecting or mining operations by a holder;
- (b) “alluvial” includes all forms of mineral deposits which do not fall within the definition of “lode”;
- (c) “authorised labour officer” means an authorised officer under the Employment Act or any enactment replacing or amending that Act;
- (d) “bank” means any branch in Uganda or in the town of Bukoba in Tanzania or in the town of Kakamega in Kenya, of the National and Grindlays Bank Limited, the Standard Bank Limited, Barclays Bank (Dominion, Colonial and Overseas), or such other bank as the Minister may by statutory instrument declare to be a bank for the purposes of this Act;
- (e) “banker” means any manager or accountant of a bank and any officer of a bank who is acting in the capacity of manager or accountant;
- (f) “beacon” means a mark erected on any land for the purpose of marking out ground for prospecting or mining purposes under this Act, and includes location beacons, corner beacons, upper beacons, boundary beacons and direction beacons;
- (g) “buy” and “sell” include “barter”; “buy” includes “purchase” and “receive as a pledge or security” and “sell” includes “deposit as a pledge or security”;
- (h) “commissioner” means the commissioner of geological survey and mines appointed under section 7;
- (i) “deposit” means any sum lodged with the Government as a guarantee for the due performance of any obligation imposed by this Act or regulations made under this Act and includes a

- banker's guarantee;
- (j) "district commissioner" and "district officer" mean the administrative officer in charge of any district or area in which any matter shall arise under this Act;
 - (k) "goldsmith" means a worker in gold or a seller of articles manufactured of gold;
 - (l) "holder" of a prospecting right or mining right means the person to whom any such right was granted in the first instance and includes any person in whom such right or a part of the right has become lawfully vested by transfer, assignment or otherwise, and for the purposes of Part VII of this Act and of any regulations made under this Act relating to safety in mines and the service of notices includes every person carrying on or who has carried on prospecting and mining operations or either of these operations on private mining land;
 - (m) "inspector of mines" includes a senior inspector of mines and any person delegated by the commissioner to act as a senior inspector or inspector of mines;
 - (n) "lease" means a mining lease;
 - (o) "livestock" includes cattle, horses, donkeys, mules, pigs, sheep, goats, camels and all other domesticated animals and their young;
 - (p) "location" means a right granted under section 40;
 - (q) "lode" or "reef" includes all true fissure veins, bedded veins, contact veins, segregated veins, pipes, contact deposits, stockworks, impregnations, metalliferous conglomerates other than hardened alluvial deposits of modern origin, metalliferous and lateritic cappings, such irregular deposits as conform generically to the above classification and beds of any mineral such as beds of ironstone and coal seams;
 - (r) "to mark out" an area means to delimit the area by beacons and trenches of the kind prescribed and in the manner provided in this Act and regulations made under this Act; "to peg" means "to mark out";
 - (s) "mine" includes any place, excavation or working on which, in which or by which any operation in connection with mining is carried on;
 - (t) "to mine" means intentionally to win minerals and includes any operations necessary for the purpose, but shall not include a right or permit to use water;
 - (u) "mineral" and "minerals" do not include petroleum but include—
 - (i) metalliferous ores and other substances in their natural state

which are obtainable only by mining or in the course of prospecting operations;

- (ii) metalliferous ores and other substances in their natural state mined or obtained in the course of prospecting operations;
- (iii) the valuable parts of such ores or other substances when unmanufactured; and
- (iv) the product of treating or dressing such ores or other substances for marketing or export,

but except in section 2 and for the purposes of Part VII of this Act and any regulations made thereunder relating to safety in mines shall not include clay, murrum, sand or any stone, except limestone, commonly used for building or similar purposes, or such other common mineral substances as the Minister may by statutory instrument declare not to be minerals for the purpose of this Act;

- (v) “mining right” includes all types of locations and leases;
- (w) “nonprecious minerals” means all minerals other than precious metals or precious stones;
- (x) “occupation under a prospecting licence” means the exercise on any area of the rights set out in sections 31(b), (c), (d) and 32 wholly or partly for the purpose either of prospecting such area or of preparing to mark out the whole or part of the area, and includes the erection of a beacon or anything purporting to be a beacon or anything which is intended to constitute part of a beacon;
- (y) “opencast” means any uncovered excavation which has been made from the surface for the purpose of winning minerals;
- (z) “owner or occupier” includes the owner of any land registered under the Registration of Titles Act, the owner under a final mailo certificate, a lessee of land, the holder of a certificate of occupancy or temporary occupation licence and an African rightfully in occupation of public land;
- (aa) “passageway” means any highway, road, street, footpath or installation of any railway, tramway, wireline, cableway, chute, pipe, sewer, drain, tunnel, shaft, fluming or watercourse and includes any right of way, easement or hereditament;
- (bb) “precious metals” means gold, silver or metal of the platinoid group in the unmanufactured state, including ores containing such metal, but shall not include ores containing any such metal in combination with another mineral where the metal cannot be worked apart from such mineral and the value of the metal is less

- than the cost of producing both the metal and the mineral;
- (cc) “precious stones” means diamond, emerald, opal, ruby, sapphire, turquoise and any other stones which the Minister may by statutory instrument declare to be included in this definition;
 - (dd) “private land” means land, not being private mining land, included in the following classifications—
 - (i) class I: land of which any person, other than the Land Commission or a land board established by the Constitution, is registered as proprietor of an estate of freehold under the Registration of Titles Act;
 - (ii) class II: land—
 - (A) of which any person, other than an urban authority, is registered as proprietor of an estate of leasehold under the Registration of Titles Act; or
 - (B) held under the provisions of the Public Lands Act by any person other than by a controlling authority as in that Act defined, or under any enactment amending that Act, or under any land legislation which may come into force hereafter, excepting land held under a temporary occupation licence;
 - (iii) class III: land registered in the mailo register in the office of titles;
 - (iv) class IV: land held under temporary occupation licences under the Public Lands Act, or any land legislation which may come into force hereafter;
 - (v) class V: public land rightfully occupied by Africans, other than lands in the preceding classes;
 - (ee) “private mining land” means land held on titles by which the property in and control of minerals are recognised or granted;
 - (ff) “to prospect” means to search for minerals and includes such working as is reasonably necessary to enable the prospector to test the mineral-bearing qualities of the land;
 - (gg) “prospecting right” includes exclusive prospecting licences, special exclusive prospecting licences and prospecting licences;
 - (hh) “shaft” and “pit” mean any vertical or inclined tunnel other than a stope or winze which is or might be used for winding, travelling, draining or ventilating purposes in connection with prospecting or mining operations;
 - (ii) “tailings” means all gravel, sand, slimes or other substance which is the residue of bona fide mining operations;
 - (jj) “unwrought precious metal” includes precious metal in any form

- whatever, smelted or unsmelted, refined or unrefined, which though smelted is not manufactured or made up into any article of commerce, and includes amalgam, slimes, slags, gold-bearing concentrates, pots, battery chips, sweepings of reduction works and scrapings and by-products of unrefined precious metal;
- (kk) “watercourse” means any channel or duct whether natural or artificial which confines, restricts or directs the flow of water.

2. Control of and property in minerals and petroleum.

The entire property in and control of all minerals and petroleum in, under or upon any lands or waters in Uganda are and shall be vested in the Government, except insofar as the property and control may in any case be limited by any recognition of title or express grant.

3. Penalty for prospecting or mining without authority.

Any person who prospects or mines on any lands or waters in Uganda otherwise than in accordance with this Act or who aids or abets any such person commits an offence.

4. Prospecting licence not to confer right to prospect for petroleum.

No prospecting licence issued under this Act shall confer any right to prospect or search for petroleum or bituminous products, and no lease granted thereunder shall authorise any person to mine for such products or win or remove them from the land comprised in the lease.

5. Prospecting in closed districts.

Nothing in this Act shall be deemed to authorise any person to enter any district or area to which entrance by him or her may be forbidden by any written law for the time being in force.

6. Saving for custom and domestic use.

Nothing in this Act shall be deemed to prevent any African of Uganda from taking, subject to such conditions as may be prescribed, iron, salt or soda from lands, other than lands within the area of a location or a mining lease, from which it has been the custom of the members of the community to which that person belongs to take iron, salt or soda or to prevent any person

(3) Nothing in this Part of this Act shall be deemed to prevent any person from instituting in any of the courts of Uganda any proceedings he or she may think fit to institute as provided by law.

PART VI—POSSESSION, PURCHASE AND SALE OF MINERALS.

68. Possession and sale of minerals.

(1) No person shall possess any minerals, or shall sell, either as principal or agent, any minerals unless—

- (a) he or she is a licensed mineral dealer;
- (b) he or she is a banker;
- (c) the minerals have been won by him or her or his or her servants acting on his or her behalf from ground registered in his or her name under a mining title or on which he or she has permission to mine under section 39, or on which he or she is lawfully entitled to prospect and in respect of which he or she has complied with section 29;
- (d) he or she is the owner of private mining lands or he or she holds from an owner of private mining land the right to prospect or mine on that land, and the minerals have been won from that land and the provisions of Part IX of this Act in regard to such minerals and the prospecting and mining for them have been complied with.

(2) Notwithstanding subsection (1), subject to the prescribed declaration being made before a customs officer and the prescribed certificate to import into Uganda being obtained, it shall be lawful—

- (a) for a banker or a dealer licensed to deal in unwrought precious metal to import unwrought precious metal into Uganda;
- (b) for any person to import into Uganda such quantity of unwrought gold of a fineness greater than nine hundred and forty per thousand in weight as may be specified in the customs declaration, and to possess, sell, deal in or dispose of that gold to a banker or dealer licensed to deal in unwrought precious metal;
- (c) for any goldsmith duly licensed in accordance with this Act to buy from a banker or dealer licensed to deal in unwrought precious metal such quantity of unwrought precious metal as may be necessary for the conduct of his or her business;
- (d) for the commissioner to give written permission to any person to

purchase small and specified quantities of unwrought precious metal from persons legally entitled under this section to possess that metal, and the permit shall be deemed to authorise that person to buy, possess, melt and use that metal.

(3) Except as provided in subsection (2)(b), (c), or (d), no person shall sell either as principal or agent any minerals to any other person in Uganda other than a dealer licensed to deal in those minerals or a banker of Uganda.

(4) No person shall pay any debt or wages by means of unwrought precious metal or precious stones.

(5) If any mineral is found in the possession, power or control of any person, that person commits an offence against this Act unless he or she proves that he or she obtained it lawfully; except that the Minister may by statutory instrument exclude any mineral from the provisions of this section.

(6) Any unwrought precious metal found without an apparent owner may be seized by the commissioner, an administrative officer, an inspector of mines or police officer and shall as soon as possible be taken before a magistrate who, if satisfied that the owner cannot be found, shall declare it to be forfeited to the Government.

69. Purchase of minerals.

Subject to section 68(2)(b), (c) and (d), no person shall import, buy or receive by way of barter or pledge or otherwise deal in any minerals unless he or she is the holder of a licence to deal in those minerals or is a banker.

70. Who may melt precious metals.

No person shall melt any precious metal, whether wrought or unwrought, unless he or she is a person who is entitled to possess or sell minerals under section 68.

71. Restrictions on import and export of minerals.

(1) No person shall export any minerals from Uganda unless he or she holds a certificate granted by the commissioner that all prescribed royalties on the minerals have been paid or secured to the satisfaction of the

commissioner or that no royalties are payable.

(2) No person shall import any unwrought precious metal or precious stones into Uganda, other than jewellery, unless he or she makes a declaration before a customs officer and obtains a certificate of importation.

(3) Before any such unwrought precious metal or precious stones are reexported from Uganda, the certificate shall be surrendered to a customs officer who shall send it to the commissioner.

(4) A certificate of importation under subsection (2) shall be issued only on payment of the prescribed fee.

72. Licence to deal in minerals.

(1) The commissioner may in his or her discretion issue to any person a mineral dealers licence on payment of the prescribed fee.

(2) Every mineral dealers licence shall expire on the 31st December in the year in which the licence is granted.

(3) The commissioner, in his or her discretion and without assigning a reason, may refuse to issue or renew a mineral dealers licence or may revoke the licence; on the revocation of the licence the commissioner shall refund such part of the prescribed fee as he or she thinks just.

73. Obligations of holders of mineral dealers licence and banker.

(1) Every holder of a mineral dealers licence and every banker shall be liable for the due payment to the commissioner of all royalties due on any minerals bought, received or exported by him or her, and if so required by the commissioner shall give security for the due payment of all such royalties.

(2) Subject to agreement to the contrary, the holder of a mineral dealers licence and every banker who pays any royalty on minerals may recover or retain the amount from the person on whose behalf he or she sold or from whom he or she received the mineral.

(3) Every holder of a mineral dealers licence and every banker shall keep a register in English showing all purchases and sales of minerals made by him or her and the nature and weight of the minerals, the price paid or

Cross References

Access to Roads Act, Cap. 350.

Employment Act, Cap. 219.

Forests Act, Cap. 146.

Magistrates Courts Act, Cap. 16.

Mining Ordinance, 1935 Revision, Cap. 110.

Mining (Mineral Oil) Ordinance, 1935 Revision, Cap. 111.

Public Lands Act, 1964 Revision, Cap. 248.

Registration of Titles Act, Cap. 230.

Annex S-2

Uganda, *The Mining Regulations, Statutory Instrument 148—1* (1949)

THE MINING ACT.

Statutory Instrument 148—1.

The Mining Regulations.

Arrangement of Regulations.

Regulation

PART I—PRELIMINARY.

1. Citation.

PART II—MINING FEES, RENTS AND ROYALTIES.

2. Miscellaneous fees.
3. Rents.
4. Royalties; export permits.
5. Rates and method of calculation of royalties.

PART III—PROSPECTING LICENCES.

6. Issue of prospecting licence and payment of deposit.
7. Application.
8. Prospectors to report operations.

PART IV—PRIORITY.

9. Priority between applicants for prospecting or mining rights.
10. Procedure on absence of priority.
11. Procedure on receipt of an application.
12. Procedure on receipt of a deposit.

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14. Beacons to be erected before application.
15. Application to be lodged within twenty-one days of erection of location beacon.

16. Plans to accompany application.
17. Rent, fees and deposit to accompany an application.
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19. Number of licence to be painted on beacons.
20. Transfers and surrenders.
21. Amalgamation of licences.
22. Working obligations on area of licence.
23. Application for renewal.
24. Application of Parts XI and XII to an exclusive prospecting licence.

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26. Commissioner may require erection of beacons and demarcation of area.
27. Commissioner may close the area applied for to prospecting.

PART VII—LOCATIONS.

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29. Number of location to be posted on all beacons.
30. Transfers and renewals of locations.
31. Working obligations on a location.
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33. Classification and area of locations other than river locations.
34. Shape of locations other than river locations.
35. Erection of beacons.
36. Areas and dimensions of river locations.
37. Erection of beacons and measurement to be taken before application for a river location.
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45. Issue of a lease subject to survey.
46. Preparation of lease.
47. Application of Parts XI and XII to leases.
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49. Amalgamation of leases.
50. Labour or development work on amalgamated leases.
51. Working obligations on a lease.

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52. Application for water permit or water right.
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54. Application for water permit or right, how dealt with.
55. Bridges over watercourses.
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64. Permanent beacons.
65. Trenches.
66. Government protection area beacon.
67. Maintenance of beacons, trenches and boundary marks.
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- 77. Notices in the Gazette.
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THE MINING ACT.

Statutory Instrument 148—1.

The Mining Regulations.
(*Under section 124 of the Act.*)

PART I—PRELIMINARY.

1. Citation.

These Regulations may be cited as the Mining Regulations.

PART II—MINING FEES, RENTS AND ROYALTIES.

2. Miscellaneous fees.

The fees set out in the Third Schedule to these Regulations shall be paid in respect of the matters and things specified in that Schedule, and the amount of the fees may, at the discretion of the commissioner, be recovered by deduction from any deposit made under section 18 of the Act by the person by whom the fee is owing without prejudice to other remedies, civil or criminal.

3. Rents.

- (1) The following mining rents shall be paid—
 - (a) by the holder of a licence, for every square kilometre or part of it, thirty thousand shillings per year;
 - (b) by the holder of a location other than a river location, two hundred thousand shillings per year;
 - (c) by the holder of a river location, two hundred thousand shillings per year for each one hundred metres or part of it measured along the course of the river or swamp in respect of which the location is granted;
 - (d) by a holder of a lease, ten thousand shillings per year per hectare or part of it;
 - (e) by the holder of a special exclusive prospecting licence and by the holder of a special mining lease, the rents specified in subparagraphs (a) and (d) of this subregulation respectively

- of the licence, location, lease or water right in the appropriate register;
- (b) in the case of renewal of any of the instruments mentioned in paragraph (a) of this subregulation, by entering particulars in the appropriate register, by endorsing on the original instrument and the duplicate instrument the word “Registered” together with the date on which the instrument was presented for registration, and by appending his or her signature to the endorsement; and
 - (c) in the case of any other mining instrument, by filing the duplicate copy of the instrument, or where no duplicate is presented the original, by entering particulars in the appropriate register, by endorsing on the original instrument, and also on the duplicate if it has been presented to him or her, the word “Registered” together with the date on which the instrument was presented for registration, and by appending his or her signature to the endorsement.

(4) Nothing prescribed in subregulation (3) of this regulation shall debar the commissioner from making such further entries, cross entries and endorsements on instruments in his or her office as he or she considers necessary for the facilitating of the work of his or her office.

PART XIII—DIAMONDS.

72. Definition of diamond.

For the purpose of this Part of these Regulations, “diamond” means any rough and uncut diamond.

73. Issue of diamond dealer’s licence.

(1) A diamond dealer’s licence may be issued by the commissioner and shall expire on the following 31st December.

(2) The fee for a licence shall be three hundred shillings, or if issued after the end of June one hundred and eighty shillings.

(3) The commissioner may, subject to appeal to the Minister, without assigning a reason, refuse to issue a licence or may revoke a licence; except that on revocation the commissioner may refund such part of the fees as he or she thinks just.

(4) A licensed diamond dealer shall not buy, sell or store any diamond except on such premises as are specified in his or her licence.

74. Restrictions on buying diamonds.

No person, other than a licensed diamond dealer, shall buy or otherwise acquire any diamond.

75. Cutting and setting of diamonds prohibited except with commissioner's authority.

No person shall cut, polish, break or alter in any manner the shape of any diamond or set any diamond in any form of tool or other setting except with the written authority of the commissioner and in accordance with such conditions as the commissioner in his or her discretion may impose. The commissioner may refuse to grant the authority without assigning any reason for the refusal.

76. Restrictions on export and import of diamonds.

(1) No person shall export or import any diamond unless he or she holds a permit to do so issued in the prescribed form by or under the authority of the commissioner. The commissioner or other authorised officer may at any time, without assigning a reason, refuse to issue any such export or import permit.

(2) Every such permit shall be valid for such period and shall be subject to such conditions as may be specified in it.

(3) Except when in transmission by post, no diamond shall be taken aboard any aircraft in Uganda unless particulars of the diamond have been previously declared to a collector of customs.

PART XIV—MISCELLANEOUS.

77. Notices in the Gazette.

Notice shall be given by the commissioner in the Gazette of—

- (a) the grant, renewal, expiry or surrender of exclusive prospecting licences, locations, leases and water rights or parts thereof; and

- (b) when presented, applications for the grant of special exclusive prospecting licences, leases or water rights.

78. Deposit of tailings.

(1) The holder of a location or lease who has access to a watercourse may, subject to the Mining (Safety) Regulations and any amendments to them, deposit in the watercourse tailings from his or her mining operations; except that—

- (a) the Minister may, by statutory order, prohibit the deposit of tailings in any watercourse, or any part of a watercourse, or may limit the extent of such deposit in such manner as he or she may think fit, and in such case may direct the manner of disposal of tailings from mines having access to the watercourse; and
- (b) no such order shall come into force until two months after the date of its first publication, unless the Minister shall for special reasons stated in the order otherwise direct.

(2) When tailings are not deposited in a watercourse, the holder of a location or lease may be ordered to retain all, or any specified class of tailings, within the area limited by his or her location or lease or within such other area as the commissioner may direct.

79. Licence to deal in minerals.

A licence to deal in minerals under section 72 of the Act shall be in Form VII in the First Schedule to these Regulations and there shall be paid for every such licence the prescribed fee.

80. Goldsmiths licence.

Application for a licence to work as a goldsmith shall be made to the commissioner, and the licence shall be in Form VIII in the First Schedule to these Regulations.

81. Disputes.

A memorandum of complaint to the resident district commissioner as provided for in section 64(1)(b) of the Act and a notice of complaint to the defendant as provided for in subsection (1)(c) of that section shall be in Forms XXVII and XXVIII in the First Schedule to these Regulations.

82. Import and export of unwrought precious metal and precious stones.

A declaration by a person seeking to import any unwrought precious metal or precious stones into Uganda shall be in Form XXX in the First Schedule to these Regulations, and a certificate of any such importation shall be in Form XXXI in that Schedule.

83. Forfeiture of minerals by court.

A forfeiture by any court of any mineral, in accordance with section 123(2) of the Act, shall be advertised in Form XXXII in the First Schedule to these Regulations.

84. Requirements for filling or securing excavations.

(1) The following requirements to the satisfaction of an inspector shall apply to all shafts, pits, holes and other excavations which any person is required to fill in or secure in a permanent manner—

- (a) all prospecting pits shall be filled in;
- (b) all shafts shall be filled in or shall be surrounded by dry stone walling of a height adequate to secure safety of persons and stock according to their surroundings;
- (c) all large prospecting works such as test paddocks and trenches shall be filled in or enclosed by dry stone walling;
- (d) all steep faces in alluvial or detrital workings shall be broken down sufficiently to be safe;
- (e) all water furrows shall be filled in; and
- (f) all workings in rock shall be filled in or surrounded by dry stone walls; except that in excavations of a quarry-like nature it shall be necessary to wall off only those parts which are steep-sided.

(2) In exceptional circumstances the resident district commissioner or an inspector of mines may at his or her discretion allow other protective devices.

85. Prohibition of the movement of minerals by night.

No person shall move or cause to be moved any minerals out of or into any area where mining or prospecting operations are being carried on between

the hours of six o'clock at night and seven o'clock in the morning.

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SCHEDULES

First Schedule.

regs. 4, 6-8, 15, 18, 20-22,
25, 28, 30-32, 40, 41, 43, 49,
52, 53, 57, 61, 71, 79-83.

Forms.

Arrangement of Forms.

Form

- I. Prospecting licence.
- II. Exclusive prospecting licence.
- III. Location.
- IV. Mining lease.
- V. Water right.
- VI. Water permit.
- VII. Licence to deal in minerals.
- VIII. Goldsmiths licence.
- IX. Transfer of/a share in/an exclusive prospecting licence.
- X. Transfer of/a share in/a location/a water right.
- XI. Transfer of lease.
- XII. Surrender of exclusive prospecting licence/water right.
- XIII. Surrender of lease.
- XIV. Certificate of amalgamation of exclusive prospecting licences/locations/leases.
- XV. Certificate of suspension or partial suspension of working obligations on an exclusive prospecting licence/location/lease.
- XVI. Application for prospecting licence.
- XVII. Application for an exclusive prospecting licence.
- XVIII. Application for a location other than a river location.
- XIX. Application for a river location.
- XX. Application for a mining lease.
- XXI. Application for a water right.
- XXII. Application for a water permit.
- XXIII. Application for consent to transfer/transfer of a share in a licence/location/lease/water right.
- XXIV. Application for a certificate of amalgamation of licences/locations/leases.
- XXV. Application for a certificate of suspension/partial suspension of working obligations.

- XXVI. Application for registration of mining instruments.
- XXVII. Memorandum of complaint.
- XXVIII. Notice of complaint to defendant.
- XXIX. Export permit.
- XXX. Declaration on importation of unwrought precious metal or precious stones.
- XXXI. Certificate of importation of unwrought precious metal or precious stones.
- XXXII. Forfeiture of minerals by order of court.
- XXXIII. Notice of Minister's sanction of a mining lease.
- XXXIV. Records of prospecting operations under a prospecting licence.
- XXXV. Power of attorney.
- XXXVI. Alternative form of power of attorney.
- XXXVII. Locations and leases return form.
- XXXVIII. Exclusive prospecting licence return form.

reg. 82.

Form XXX.

Declaration on Importation of Unwrought Precious Metal or Precious
Stones.

The Mining Act.
(The Mining Regulations.)

I, _____
(here insert name and address), solemnly and sincerely declare as under—

(1) I am in possession of and desire to import _____
(here insert weight and description) of _____.

(2) The said _____¹ is my property (or as the case may be).

(3) I obtained the said _____¹
from _____
_____ *(here insert place, person and date)*.

I make this declaration conscientiously believing it to be true in every
particular.

Declared at _____ *(here insert place)*
this _____ day of _____, 20 ____.

Signature of Declarant

Collector of Customs

¹State nature of metal or stone.

reg. 82.

Form XXXI.

Certificate of Importation of Unwrought Precious Metal or Precious Stones.

The Mining Act.

(The Mining Regulations.)

It is certified that _____ (*here insert name and address of importer*) has imported _____ (*here insert weight*) of _____¹ the said _____ (*here insert name*) having declared that _____¹ is his or her own property (or as the case may be) and that he or she obtained it _____ (as in declaration).

Declared at _____ (*here insert place*)
this _____ day of _____, 20 ____.

Collector of Customs

(Uganda Revenue Stamp)

¹State nature of metal or stone.

History: S.I. 248-3; Constitution of 1967; S.I. 93/1971; S.I. 33/1982; Constitution of 1995, art. 203; S.I. 9/1999.

Cross References

Employment Act, Cap. 219.
Explosives Act, Cap. 298.
Mining (Safety) Regulations, S.I. 148-2.
Registration of Titles Act, Cap. 230.

Annex S-3

The Executive Secretariat of ICGLR, *The Regional Initiative on the Fight Against Illegal Exploitation of Natural Resources of the International Conference on the Great Lakes Region*



THE REGIONAL INITIATIVE ON THE FIGHT AGAINST ILLEGAL EXPLOITATION OF NATURAL RESOURCES OF THE INTERNATIONAL CONFERENCE ON THE GREAT LAKES REGION

1. Background

The Great Lakes Region is a frequently cited example of the paradox of plenty. On the one hand, it disposes of a substantial amount of natural resources which are in great demand on the global market. On the other hand, the region's recent history has been marked by the disastrous effects of armed conflicts. So far, the abundance of natural resources has not yet been transformed into inclusive socio-economic wellbeing.

The key problem of this predicament is the missing linkage between the supply chain of natural resources and the formal economy of the ICGLR Member States. The exploitation and trade within the region are all too frequently conducted illegally. Consequently, the wealth deriving from natural resources is very unequally distributed and often finances rebel activities which further destabilize the region.

1.1. The Foundation of the *Regional Initiative against the Illegal Exploitation of Natural Resources (RINR)*

In response to the persistent problem of socio-economic inequality and the trade of conflict minerals, the ICGLR has developed a comprehensive approach to put an end to the exploitative use of natural resources. The Regional Initiative against the Illegal Exploitation of Natural Resources (RINR), - referred to as the Initiative,- particularly aims at breaking the link between mineral revenues and rebel financing.

As part of the Pact on Security, Stability and Development in the Great Lakes Region, which was signed by the twelve Heads of State in Nairobi on the 15th of December 2006, the Protocol on the Fight against the Illegal Exploitation of Natural Resources outlines the actions that Member States have agreed to take. This Protocol provides the legal basis for the implementation of the Initiative which conversely aims at translating the Protocol into concrete actions.

Four years after the signing of the Pact of Nairobi, the ICGLR Heads of State and Government further committed themselves to this pressing issue by holding a Special Summit in Lusaka, Zambia. At this occasion, they decided upon the use of six specific tools which the Initiative shall put into practice. Furthermore, this Special Summit served as a forum to expand partnerships with other relevant programs in the domain of natural resource exploitation such as the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict Affected and High Risk Areas.

1.2. The Approach of the RINR

In general, the Initiative promotes dialogue between the ICGLR Member States on issues related to the illegal exploitation of natural resources and provides them with tools aimed at breaking the link between armed conflicts and revenues from natural resources. The principal approach is the setup of a regional certification system for tin, tantalum, tungsten and gold, commonly known as 3TGs. The supply chains of these minerals which have proven to be related to armed conflicts will be audited and certified within the framework of the ICGLR Regional Certification Mechanism which is the core tool of the Initiative.

1.3. Successes Achieved by the RINR

Despite being a relatively new Initiative, the RINR has already achieved some remarkable successes in its fight against the illegal exploitation of natural resources in the Great Lakes Region.

To begin with, a certification manual has been developed and approved by the 12 Heads of State. It provides a practical guide for the implementation of the Regional Certification Mechanism. Currently, the manual is under use in 4 out of 12 ICGLR Member States.

Another important step was the development of a legislation model which will make it easier for ICGLR Member States to domesticate the legal provisions of the Protocol into their respective national legislations.

Also worth mentioning is the establishment of a Regional Committee on the fight against the illegal exploitation of natural resources which has been meeting regularly since its creation as provided for in the Protocol on the Fight against the Illegal Exploitation of Natural Resources.

2. The Six Tools of the RINR

The Initiative operates six specific tools in its effort to curb the illegal exploitation of natural resources in the Great Lakes Region. This approach was designed by the ICGLR Conference Secretariat and thereafter officially approved by the Heads of State of the ICGLR Member States. The considerable successes that the Initiative has achieved since then are evidence of the significant utility of these tools, described in detail below.

2.1. Regional Certification Mechanism (RCM)

The Regional Certification Mechanism (RCM) is one of the six tools of the ICGLR Regional Initiative to fight against the Illegal Exploitation of Natural Resources (RINR).

Its main focus is currently on four minerals, namely tin, tantalum, tungsten and gold (3TGs) referred to as “**Conflict Minerals**” under the Dodd-Frank Consumer Protection Act (1502), and as “**Designated Minerals**” under the ICGLR mineral certification scheme.

The purpose of the RCM is to provide for sustainable conflict-free mineral chains in and between ICGLR Member States with the aim of eliminating financial channels supporting armed groups that sustain or prolong conflict, and/or otherwise engage in serious human rights abuses.

The RCM comprises of the following main elements: (1) Mine Site Inspection and Certification; (2) Mineral Chain of Custody (CoC) Tracking; (3) Mineral Export and Certification; (4) Mineral Tracking Database; (5) Third Party Audits (TPA) and (6) the Independent Mineral Chain Auditor (IMCA).

i. Mine Site Inspection and Certification

The ICGLR Mine Site Inspection and Certification Standards are designed to ensure that Designated Minerals are sourced only from mine sites that are conflict free and meet minimum social standards (for example, no child labour). The standards for evaluating mine sites (given in further detail in Appendix 3) and the steps outlined to foster improvement or else disengage from unacceptable mine sites are in compliance with the procedures and standards found in the *OECD Due Diligence Guidance* (especially Annex II: Model Supply Chain Policy For A Responsible Global Supply Chain of Minerals from Conflict-Affected and High-Risk Areas and Annex III-Suggested Measures For Risk Mitigation and Indicators for Measuring Improvement).

Under the ICGLR scheme, mine sites are inspected annually by a government mine inspector. These government inspections are cross-checked by annual Independent Third Party Audits carried out by an ICGLR accredited auditor. On-going risk assessments of mine sites are provided by the office of the ICGLR Independent Mineral Chain Auditor. Mines are classified in one of three categories:

- **Certified (Green Flagged)** – mine meets all standards (i.e. no conflict, no child labour); Mine can produce minerals for certified export.
- **Yellow Flagged** – infractions of one or more important criteria; Mine operator has six (6) months to resolve situation; Mine can produce minerals for certified export.
- **Un-certified (Red Flagged)** – grave infractions of one or more critical criteria; mine is prohibited from producing minerals for a minimum period of six months; mine remains Red Flagged until a further inspection shows the infractions to have been resolved.

ii. Mineral Chain of Custody (CoC) Tracking

The ICGLR Chain of Custody Tracking Standards are designed to ensure that Designated Minerals are fully traceable and conflict-free from the mine site to the point of export. Member State governments are responsible for implementing and supervising the chain of custody tracking system within their own borders. The integrity of Member States' chain of custody systems are verified by the Independent Mineral Chain Auditor within a period not exceeding one year after establishment or modification of the systems. Mineral flows are tracked and analyzed via an ICGLR Regional Database, using the data on individual shipments collected and transmitted to the ICGLR by each Member States' Chain of Custody system.

Member States must have a chain of custody tracking system. They can have more than one type of chain of custody tracking system in operation (i.e. for different minerals, or different regions, etc.). Member States can opt to delegate the design or operation of their chain of custody tracking system(s) to a non-state actor. In such cases, the chain of custody system must still conform to ICGLR standards – that is, it must track minerals from source to export; ensure mineral shipments are conflict free; cooperate fully with ICGLR Third Party Audits; and Member States must retain ownership of all the data generated by the chain of custody system, and transfer without restriction and in a timely manner to the ICGLR any and all such data (i.e. on mineral purchases, sales, shipments, etc.) as the ICGLR Secretariat may request. Only pricing information is excluded from the data provided to the ICGLR.

As an added measure, the ICGLR Independent Mineral Chain Auditor (or their designate) must verify during its first year of operation that a Member State's chain of custody system meets ICGLR standards.

iii. Export and Certification Procedures

The ICGLR Certificate serves as the assurance to purchasers that a mineral shipment is conflict free, and meets all other ICGLR standards. Member State governments must examine each export of Designated Material, including all the supporting documentation concerning the chain of custody and mine of origin, before issuing a Certificate. The detailed procedures for Export and Certification Procedures are found in Appendix 5.

iv. Regional Mineral Tracking via an ICGLR Database

“Tracking of Regional Mineral Flows” via a public ICGLR Database is one of the main pillars of the ICGLR Certification scheme. Tracking and reconciling mineral flows within and between Member States will assure all stakeholders (Member State governments, local and international NGOs, private sector, end users and others) of the integrity of Certified mineral flows from the region. The Database makes it possible to track and balance the production, purchases and exports of Exporters, mines, mining regions, and Member States. Developing and implementing the Regional Mineral Tracking Database is the responsibility of the ICGLR Secretariat. Member States, mines, traders, processors, exporters and other actors in the mineral chain are required to provide all data (**except for pricing information, which will remain confidential**) on their production, purchases, sales and exports to the ICGLR Secretariat as and when required. The ICGLR Database will be publicly accessible, as a way of establishing and maintaining the credibility of the ICGLR Mineral Tracking and Certification Scheme.

v. Third Party Audits

The Independent Third Party Audit system assures independent verification that the entire mineral chain from mine site to exporter remains in compliance with ICGLR regional standards. The Third Party Audit system complies with OECD Due Diligence guidelines on independent verification and on-going risk assessment (in particular the Supply Chain Due Diligence and Upstream Company Risk Assessment sections of the Supplement on Tin, Tantalum and Tungsten).

ICGLR Audits focus on mineral Exporters. The scope of the audit runs from the Exporter all the way back up the mineral chain to the mine site. Non-compliance by any of the upstream traders or suppliers (up to but not necessarily including mine sites, which are covered by mine site inspections) automatically results in a corresponding level of non-compliance being assigned to the Exporter; that is, if the auditor finds that a trader supplying to an exporter is in major non-compliance (Red Flagged) then the Exporter itself is also found to be non-compliant (Red-Flagged). An Audit finding that a mine site in major non-compliance (Red-Flagged) will not result in an Exporter being Red-Flagged, unless it can be shown that the Exporter was sourcing material from that mine site while its status was Un-Certified (Red Flagged).

The ICGLR Third Party Audit system is managed by a tri-partite Audit Committee, which has representatives from government, local and international industry, and local and international civil society. Local industry and Civil Society representatives on the Audit Committee are democratically elected from and by their peers in each eligible Member State. The Audit Committee accredits auditors, and sets the standards and terms of reference for Third Party Audits.

ICGLR Third Party Audits require auditors to perform on-site inspections all along the mineral chain, up to and including mine sites. Audits examine each actor's conformity with the ICGLR standards. Auditors also perform a risk-assessment role, investigating, evaluating and reporting on the 'conflict environment' – the risk and factual circumstances of conflict and conflict-financing associated with exporters, traders and artisanal and industrial miners. The detailed standards and procedures for ICGLR Third Party Audits are given in Appendix 8: Third Party Audits.

vi. Independent Mineral Chain Auditor

The ICGLR Independent Mineral Chain Auditor (IMCA) is an important guarantee of regional compliance with ICGLR standards, and of on-going conflict monitoring and risk assessment. The ICGLR Independent Mineral Chain Auditor investigations comply with OECD Due Diligence guidelines on independent verification and on-going risk assessment (in particular the Supply Chain Due Diligence and Upstream Company Risk Assessment sections of the Supplement on Tin, Tantalum and Tungsten).

The ICGLR Independent Mineral Chain Auditor is appointed by the ICGLR Executive Secretary for a three year term pursuant to an independent selection process. The IMCA is a person of high repute, known for integrity and quality of their investigations. The IMCA is expected to establish as needed a team of investigators,

with expertise in the mining sector, mineral chain of custody, conflict and conflict financing, risk assessment, and other disciplines.

The Independent Mineral Chain Auditor has three main areas of responsibility:

Firstly, the IMCA and their team inspects Member States' chain of custody tracking systems (within a year of those systems beginning operation) to ensure that they meet ICGLR Standards; where the systems do not meet the required standard, the IMCA and their team recommend and require modifications as necessary.

Secondly, the IMCA and their team initiate independent investigations into topics such as the involvement of armed groups in the mineral chain (in ways that might not be revealed by a Third Party Audit), or suspected cases of large scale mineral smuggling, or into instances where the production of a mine, region or Member State does not match the likely productive capacity of that mine, region or Member State. The IMCA can also investigate downstream mineral chains out of the region, if there is an indication that Designated Minerals from the region are being clandestinely exported from the region.

Thirdly, the IMCA and their team provide ongoing assessments of the risk of conflict and conflict financing from mineral exploitation and mineral trading in the region. The IMCA and their team perform this task firstly by collating and analysing existing information relevant to conflict in the ICGLR region. This existing information comes from the 'Conflict Environment' portion of ICGLR Third Party Audits, from conflict mapping efforts (including those planned by the US State Department, as well as those produced by IPIS, BGR and by the UN), from local NGOs and civil society organisations operating in conflict-affected areas, from MONUSCO reports and information, from media reports, international NGO reports and from information received by confidential informants (via the ICGLR whistle-blowing mechanism). In addition to collating information, the IMCA will undertake field investigations on a needs basis to evaluate actual and potential conflict risks in the region. The ICGLR Independent Mineral Chain Auditor will publish risk assessment reports on a regular basis. These reports will be available to companies in the region, Member States, and the public at large. (Information likely to put informants at risk will not be made public).

2.2. Harmonization of National Legislations

As prescribed in Article 22 of the Protocol on the Fight against the Illegal Exploitation of Natural Resources, the legal provisions of the Protocol are to be domesticated by the ICGLR Member States into their national legislations. Furthermore, the Lusaka

Declaration committed all Member States to domesticating the Protocol on the Fight against the Illegal Exploitation of Natural Resources in the Great Lakes Region.

The harmonization approach comprises the identification of key differences between legal frameworks governing the mineral sector in the different Member States and the legal provisions of the Protocol. The harmonization of national legislations is a prerequisite for any step towards the implementation of the Protocol on the Fight against the Illegal Exploitation of Natural Resources.

2.3. Regional Database on Mineral Flow

The ICGLR Regional Certification Mechanism (RCM) is designed to track and certify all exports of designated minerals originating in ICGLR Member States. A key element of the system is the ICGLR Regional Tracking Database, which will record, analyze and reconcile production and exports of Designated Minerals from all participating Member States.

The ICGLR Regional Database on mineral flows is the repository of data first generated and stored at the Member State level. Member States will collect mineral data from their respective mineral supply chains and store it in national databases, which will then be then transferred up to populate the Regional Database on a regular basis.

The ICGLR adopted a model where the unique data format for all the Member States is set by the ICGLR Secretariat in order to facilitate data transfers.

The Regional Database consists of three sub-databases:

- i. A regional mine site database;
- ii. A regional mineral tracking database;
- iii. A regional mineral exporters' database.

The three sub-databases are linked relationally in way that permits users to run queries encompassing data from all three databases.

i. The Regional Mine Sites Database

Each Member State will constitute its own mining sites database for 3 TG mine sites which produce designated minerals within its territory. The database will record the identity information of the mine site (identity number, location, etc.) and the status of the mine site (certified, uncertified, yellow side). Regular inspections by Member State

inspectors (or designees) will establish and verify the status of each mine site. Inspections of the Member State will be subject to crosschecks and checks during third party audits and will be supported by risk assessments conducted by the Independent Mineral Chain Auditor. The mine site database in Member States is linked to the ICGLR Regional mining site database and associated protocols on periodic updates to ensure that the information on the situation are held up to date at both national and regional level.

Details on data to be contained in the national and ICGLR Regional mine site Database can be consulted in Annex 3a.

ii. The Regional Mineral Tracking Database

The mineral tracking database is the most complicated of the three sub-databases making up the Regional Database. The RCM requires that certified mineral supply chains have in place a traceability system capable of tracking mine site lots, negotiant lots and exporter lots, thus tracking mineral flows from mine site to point of export.

The Regional Mineral Tracking Database must be capable of storing and analyzing the data generated by the various traceability systems established in the region to track these certified mineral supply chains.

iii. The Regional Mineral Exporters' Database

The Regional Mineral Exporters' Database is used to record information about all the mineral exporters in each of the Member States, including their location, ownership and status. Under the standards of the RCM each exporter must be audited once per year by an accredited third party auditor. The database of exporters must also keep a record of the audits, including a copy of the audit report in PDF and/or Microsoft Word format that can be viewed or downloaded by users.

Details of data to be contained in Member State and ICGLR Regional Mineral Exporters Database can be consulted in Appendices 5b and 5c, respectively.

2.4. Formalization of the Artisanal and Small Scale Mining Sector

Formalization is a process that seeks to integrate the Artisanal and Small Scale Mining (ASM) Sector into the formal economy. Effective formalization increases transparency and thereby helps reduce fraud. This applies to the extraction, processing and trading of minerals within the Member States. Further activities include capacity building in

the respective ministries and agencies of Member States and the setting up of the required infrastructure for pilot tracking of mineral supply chains.

The main purpose of this tool is to encourage the transformation of the artisanal mining to improve taxation systems, provision of extension services and capacity building. It aims at improving regulations, particularly in terms of simplifying registration and accounting requirements and increasing productivity.

The process of formalization includes the development or adaptation of mining (and other) laws or policies to address the challenges facing ASM. There is growing official recognition by ICGLR that ASM is an activity that can make significant contributions to poverty alleviation but that it needs support in order to overcome associated social and environmental challenges.

2.5. Extractive Industry Transparency Initiative

The Extractive Industry Transparency Initiative (EITI) is an international standard which aims at improving transparency of revenues from extractive activities in countries that produce oil, gas and mineral resources through the disclosure of taxes and other payments made by companies operating in the extractive sector and through the disclosure by government bodies of revenues received from these companies.

The mechanism aims to reduce the risk of embezzlement of revenues from the extractive industries.

It is also a process through which stakeholders, through periodic reports put together by independent administrators, avail to populations the declarations on state revenues and contextual information coming from natural resource exploitation such as taxes, signature, bonus, production bonus, royalties, dividend and other taxes.

The EITI is one of the six tools of the ICGLR Regional Initiative on the fight against the illegal exploitation of natural resources in the Great Lakes Region adopted in December 2010 by ICGLR Special Summit of Heads of State and Government held in Lusaka, Zambia.

The ICGLR was mandated to foster EITI implementation in its Member States through the promotion of peer-learning.

Out of the twelve ICGLR Member States, five – Democratic Republic of Congo, Central Africa Republic, Republic of Congo, Tanzania and Zambia – are full members of the EITI international community as they are implementing the Initiative.

2.6. Whistleblowing Mechanism

The Whistleblowing Mechanism (WBM) is an excellent citizen tool. The tool relies on the capitalization of first-hand information about the illegal exploitation and trade in minerals through the collection and monitoring of information about these activities. The tool allows anyone who has information about violations of the standards of the Regional Certification Mechanism to submit this information anonymously, either via the internet or by SMS (text message) to a server managed by the ICGLR Secretariat. The whistleblowing alerts are based on the following three main scenarios: (i) the presence of armed groups on the mine site or along the mineral routes; (ii) mineral fraud and smuggling; and (iii) serious violations of human rights, including sexual and gender based violence.

The SMS and web-based technical platforms are designed to ensure anonymity; hence the protection of informants is ensured by allowing the exchange of information without the ability to identify the location or identity of the person sending the information. All data is transmitted to the secure platform so that all information is processed from the same interface. The first message sent initiates transmission dialogue between the informant and the whistleblowing expert through the technical platform. A file number is sent automatically and will allow the informant to send additional messages related to the same file. As in the case of internet transmission, the personal information of the informant such as the telephone number cannot be identified or plotted.

Annex S-4

Uganda, *The International Conference on the Great Lakes Region (Implementation of the Pact on Security, Stability and Development in the Great Lakes Region), Act 2017* (2017)



THE REPUBLIC OF UGANDA

**THE INTERNATIONAL CONFERENCE ON THE GREAT LAKES REGION
(IMPLEMENTATION OF THE PACT ON SECURITY, STABILITY AND
DEVELOPMENT IN THE GREAT LAKES REGION) ACT, 2017.**



THE REPUBLIC OF UGANDA

I SIGNIFY my assent to the bill.

Yoweri Museveni

President

Date of assent: *20/12/2017*

International Conference on the Great Lakes Region
(Implementation of the Pact On Security, Stability and Development
Act *in the Great Lakes Region) Act* **2017**

THE INTERNATIONAL CONFERENCE ON THE GREAT LAKES
REGION (IMPLEMENTATION OF THE PACT ON SECURITY,
STABILITY AND DEVELOPMENT IN THE GREAT LAKES REGION)
ACT, 2017

ARRANGEMENT OF SECTIONS

Section

1. Interpretation
2. Pact to have force of law in Uganda
3. Finances
4. Immunities and privileges of employees
5. Status, immunities and privileges of the Conference
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7. Regulations

SCHEDULE

THE INTERNATIONAL CONFERENCE ON THE GREAT LAKES
REGION PACT ON SECURITY, STABILITY AND DEVELOPMENT
IN THE GREAT LAKES REGION

International Conference on the Great Lakes Region
(Implementation of the Pact On Security, Stability and Development
Act *in the Great Lakes Region) Act* **2017**



THE REPUBLIC OF UGANDA

**THE INTERNATIONAL CONFERENCE ON THE GREAT
LAKES REGION (IMPLEMENTATION OF THE PACT ON
SECURITY, STABILITY AND DEVELOPMENT IN THE
GREAT LAKES REGION) ACT, 2017**

An Act to give the force of law in Uganda to the Pact on Security, Stability and Development in the Great Lakes Region and to provide for related matters.

WHEREAS the Pact on Security, Stability and Development in the Great Lakes Region which is set out in the Schedule to this Act was signed in Nairobi, Republic of Kenya on the 15th day of December, 2006 on behalf of the Governments of the Republic of Angola, the Republic of Burundi, the Central African Republic, the Republic of Congo, the Democratic Republic of Congo, the Republic of Kenya, the Republic of Rwanda, the Republic of South Sudan, the Republic of Sudan, the United Republic of Tanzania, the Republic of Uganda and the Republic of Zambia;

AND WHEREAS the Cabinet of the Republic of Uganda ratified the Pact on 5th February, 2008 in accordance with article 123 of the Constitution and section 2(a) of the Ratification of Treaties Act;

AND WHEREAS it is expedient to give the force of law to the Pact in Uganda;

*International Conference on the Great Lakes Region
(Implementation of the Pact On Security, Stability and Development
Act in the Great Lakes Region) Act* **2017**

DATE OF ASSENT: *20/12/2017 20th December, 2017.*

Date of Commencement: ON PUBLICATION -

NOW THEREFORE be it enacted by Parliament as follows:

1. Interpretation.

In this Act, unless the context otherwise requires—

“Conference” means the International Conference on the Great Lakes;

“Conference Secretariat” means the Secretariat of the International Conference on the Great Lakes;

“member states” means the twelve core member states of the International Conference on the Great Lakes Region, namely the Republic of Angola, the Republic of Burundi, the Central African Republic, the Republic of the Congo, the Democratic Republic of the Congo, the Republic of Kenya, the Republic of Rwanda, the Republic of South Sudan, the Republic of the Sudan, the United Republic of Tanzania, the Republic of Uganda and the Republic of Zambia;

“Minister” means the Minister responsible for foreign affairs;

“Ministry” means the Ministry responsible for foreign affairs;

“Pact” means the Pact on Security, Stability and Development in the Great Lakes Region signed in Nairobi, Kenya on the 15th day of December 2006 as prescribed in the Schedule to this Act;

“Protocols” means the protocols adopted or subsequently adopted under the Pact.

2. Pact to have force of law in Uganda.

(1) The Pact as set out in the Schedule to this Act shall have the force of law in Uganda.

International Conference on the Great Lakes Region
(Implementation of the Pact On Security, Stability and Development
Act *in the Great Lakes Region) Act* **2017**

(2) Without prejudice to the general effect of subsection (1), all rights, powers, liabilities, obligations and restrictions created or arising by or under the Pact and all remedies and procedures provided for by or under the Pact shall be recognised and available in law and shall be enforceable and allowed in Uganda.

3. Finances.

(1) The finances for enforcing the Pact in Uganda shall consist of—

- (a) money appropriated by Parliament to the Ministry for the purposes of the Pact; and
- (b) grants or donations from the Government or other sources made with approval of the Minister and Minister responsible for finance.

(2) Subject to article 159 of the Constitution of the Republic of Uganda, for the purposes of providing any sums required for giving effect to the Pact under this section, the Minister responsible for finance may, on behalf of Government, make such arrangements as are necessary or raise loans by creation and issuance of securities bearing such rates of interest and subject to such conditions as to repayment, redemption or otherwise as the Minister considers fit.

(3) A grant, donation or loan received by the Government for purposes of the Pact shall be paid into and form part of the Consolidated Fund and shall be available in the manner in which funds from the Consolidated Fund are available.

4. Immunities and privileges of employees.

(1) A person who is employed in the service of the Conference in Uganda, who is a citizen of a member state other than Uganda, shall—

International Conference on the Great Lakes Region
(Implementation of the Pact On Security, Stability and Development
Act **2017**
in the Great Lakes Region) Act

- (a) be immune from civil process with respect to acts performed by them in their official capacity; and
- (b) be accorded such immunities from immigration restrictions and alien registration as the Member States may determine.

(2) Experts and consultants rendering services to the Conference in Uganda shall be accorded such immunities and privileges as may be agreed by member states.

Member States

5. Status, immunities and privileges of the Conference.

(1) The Conference shall be accorded such status, capacity, immunities, privileges and exemptions in Uganda as may be agreed upon by the member states.

(2) Members of the organs and institutions of the Conference shall be accorded such immunities and privileges as may be agreed upon by the member states.

6. Subsequent amendment of the Pact.

Where, after the commencement of this Act, the Pact is amended or modified in accordance with the provisions of article 34 of the Pact, and ratified under article 123 of the Constitution of the Republic of Uganda, the Minister shall cause a copy of the amendment or modification to be laid before Parliament; and the amendment or modification shall, for the purposes of this Act, come or be deemed to have come into operation on the date it is laid before Parliament.

7. Regulations.

(1) The minister may, in consultation with the line ministry, by statutory instrument, make regulations to give effect to the provisions of this Act.

Minister *

(2) Without prejudice to the generality of subsection (1), the minister shall make regulations for—

International Conference on the Great Lakes Region
(Implementation of the Pact On Security, Stability and Development
Act *in the Great Lakes Region) Act* **2017**

- (a) the exploitation of natural resources;
 - (b) the operationalization of the Specific Reconstruction and Development Zone;
 - (c) the prevention and suppression of sexual violence against women and children;
 - (d) the protection and assistance to internally displaced persons;
 - (e) the protection of property rights of returning persons;
 - (f) the management of information and communication; and
 - (g) any other matter incidental for the better carrying out of the purposes of this Act and the prescription of anything required or authorized under this Act.
- (3) Regulations made under this Act may, in respect of any contravention of any of the regulations—
- (a) prescribe a penalty not exceeding a fine of five thousand currency points or imprisonment not exceeding ten years or both;
 - (b) in the case of a continuing contravention, prescribe an additional penalty not exceeding a fine of five hundred currency points in respect of each day on which the offence continues;
 - (c) prescribe a higher penalty not exceeding a fine of five thousand five hundred currency points or imprisonment not exceeding 12 years, or both in respect of a second or subsequent contravention; and
 - (d) provide for forfeiture of anything used in the commission of the offence.

International Conference on the Great Lakes Region
(Implementation of the Pact On Security, Stability and Development
Act *in the Great Lakes Region) Act* **2017**

SCHEDULE

Section 1

THE INTERNATIONAL CONFERENCE ON THE GREAT
LAKES REGION PACT ON SECURITY, STABILITY AND
DEVELOPMENT IN THE GREAT LAKES REGION

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PREAMBLE

WE, Heads of State and Government of the Member States of the International Conference on the Great Lakes Region;

MINDFUL of the need to respect democracy and good governance, the fundamental principles enshrined in the UN Charter and the African Union Constitutive Act, notably territorial integrity, national sovereignty, non-interference and non-aggression, prohibition of any Member State from allowing the use of its territory as a base for aggression or subversion against another Member State;

MINDFUL of the need for an effective and sustained political will to jointly seek peaceful solutions to disputes and more especially to honor our commitments in a spirit of mutual trust;

REAFFIRMING our individual and collective determination to base the relations between our States on international legal instruments and universal fundamental principles, the priority political options and the guiding principles referred to in the Dar-es-Salaam Declaration, as well as to transform the Great Lakes Region, in the framework of our common destiny, into a space of durable peace and security, of political and social stability, and of economic growth and shared development by multi-sector cooperation and integration for the sole benefit of our peoples;

DETERMINED to ensure the strict observance of the standards and principles of international humanitarian law, notably those relating to the protection and assistance of women, children, refugees and displaced persons, the violations of which have seriously affected the populations concerned;

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Act *in the Great Lakes Region) Act* **2017**

REAFFIRMING our decision taken at Dar-es-Salaam to declare the Great Lakes Region a specific zone of reconstruction and development and jointly determined to meet the challenge of reconstruction and development with the full participation of all our peoples, particularly in partnership with the civil society organizations, young people, women, the private sector and religious organizations, as well as in close cooperation with the relevant regional organizations, the African Union, the United Nations, and the international community in general;

DETERMINED to adopt and implement collectively the appropriate Programmes of Action, the Protocols and mechanisms to translate into reality the priority political options and the guiding principles of the Dar-es-Salaam Declaration;

HEREBY SOLEMNLY AGREE:

CHAPTER I: GENERAL PROVISIONS

ARTICLE 1

Definitions

1. For the purpose of this Pact, unless the context otherwise requires, the following mean:

- (a) **Conference:** The International Conference on the Great Lakes Region;
- (b) **Great Lakes Region:** The region composed of the whole of the territories of the twelve core Member States of the Conference;

International Conference on the Great Lakes Region
(Implementation of the Pact On Security, Stability and Development
Act *in the Great Lakes Region) Act* **2017**

- (c) **Dar-es-Salaam Declaration:** The Declaration on Peace, Security, Democracy and Development in the Great Lakes region, adopted and signed at the first Summit of the Conference in Dar-es-Salaam (United Republic of Tanzania) on 20 November 2004;
- (d) **Member States:** The twelve core Member States of the International Conference on the Great Lakes Region, namely: Republic of Angola, Republic of Burundi, Central African Republic, Republic of the Congo, Democratic Republic of the Congo, Republic of Kenya, Republic of Rwanda, Republic of South Sudan, Republic of Sudan, United Republic of Tanzania, Republic of Uganda and the Republic of Zambia;
- (e) **National Coordination Mechanisms:** National Mechanisms responsible for facilitating the implementation of the Pact in the Member States;
- (f) **Summit:** The organ composed of The Heads of State and Government of the Member States;
- (g) **Regional Inter-Ministerial Committee:** The organ composed of the Ministers of the Member States in charge of the Conference;
- (h) **Conference Secretariat:** The Secretariat of the International Conference on the Great Lakes Region;
- (i) **Pact:** The Pact on Security, Stability and Development for the Great Lakes Region;
- (j) **Protocols:** The Protocols adopted or subsequently adopted under this Pact;

International Conference on the Great Lakes Region
(Implementation of the Pact On Security, Stability and Development
Act **2017**
in the Great Lakes Region) Act

- (k) **Programmes of Action:** The Programmes of Action adopted under this Pact;
- (l) **Projects:** The Projects adopted or subsequently adopted under this Pact;
- (m) **Follow-up Mechanism:** The Regional Follow-up Mechanism adopted under this Pact;
- (n) **Fund:** The Special Reconstruction and Development Fund established under this Pact.

ARTICLE 2

Objectives

The Objectives of this Pact are to:

- (a) Provide a legal framework governing relations between the Member States to which this Pact applies as provided for in Article 4;
- (b) Implement the Dar-es-Salaam Declaration, the Protocols, Programmes of Action, the Regional Follow-up Mechanism, and the Special Reconstruction and Development Fund as adopted under Article 3;
- (c) Create the conditions for security, stability, and sustainable development between the Member States.

ARTICLE 3

Content

1. The Dar-es-Salaam Declaration, the Protocols, the Programmes of Action, the Regional Follow-up Mechanism, and the Fund, shall constitute integral parts of this Pact;

International Conference on the Great Lakes Region
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Act *in the Great Lakes Region) Act* **2017**

2. All references to the Pact shall necessarily refer to all the integral parts of this Pact.

ARTICLE 4

Field of Application and Fundamental Principles

1. This Pact governs legal relations between the Member States who will have ratified it, in the framework and within the limits of the priority areas selected in matters of peace and security, democracy and good governance, economic development and regional integration, as well as humanitarian, social and environmental issues.
2. The Member States undertake to base their relations on respect for the principles of national sovereignty, of territorial integrity, of non-interference in the internal affairs of other Member States, of non-aggression, of cooperation and of peaceful settlement of disputes.

CHAPTER II: THE PROTOCOLS

ARTICLE 5

Protocol on Non-aggression and Mutual Defence in the Great Lakes Region

1. The Member States undertake to maintain peace and security in accordance with the Protocol on Non-aggression and Mutual Defence in the Great Lakes Region, and in particular:
 - (a) To renounce the threat or the use of force as policies means or instrument aimed at settling disagreements or disputes or to achieve national objectives in the Great Lakes Region;

International Conference on the Great Lakes Region
(Implementation of the Pact On Security, Stability and Development
Act *in the Great Lakes Region) Act* **2017**

- (b) To abstain from sending or supporting armed opposition forces or armed groups or insurgents onto the territory of other Member States, or from tolerating the presence on their territories of armed groups or insurgents engaged in armed conflicts or involved in acts of violence or subversion against the Government of another State;
- (c) To cooperate at all levels with a view to disarming and dismantling existing armed rebel groups and to promote the joint and participatory management of state and human security on their common borders.
- (d) If any Member State fails to comply with the provisions of this Article, an extraordinary Summit shall be convened to consider appropriate action.

ARTICLE 6

Protocol on Democracy and Good Governance

The Member States undertake to promote and observe democracy and good governance in accordance with the Protocol on Democracy and Good Governance, and in particular:

- (a) To promote and observe democratic principles and standards;
- (b) To set up institutions to promote good governance, the rule of law and the respect for human rights through constitutional systems based on the separation of powers, political pluralism, the regular organisation of free, democratic and credible elections, the participatory, transparent and responsible management of business, institutions and public property.

International Conference on the Great Lakes Region
(Implementation of the Pact On Security, Stability and Development
Act *in the Great Lakes Region) Act* **2017**

ARTICLE 7

Protocol on Judicial Cooperation

The Member States undertake, in accordance with the Protocol on Judicial Cooperation, to cooperate in matters of extradition, judicial investigation and prosecution.

ARTICLE 8

Protocol for the Prevention and the Punishment of the Crime of Genocide, War Crimes and Crimes against Humanity and all forms of Discrimination

The Member States, in accordance with the Protocol on the Prevention and the Punishment of the Crime of Genocide, War Crimes and Crimes against Humanity and all forms of Discrimination, recognize that the crime of genocide, war crimes, and crimes against humanity are crimes under international law and against the rights of peoples, and undertake in particular:

- (a) To refrain from, prevent and punish, such crimes;
- (b) To condemn and eliminate all forms of discrimination and discriminatory practices;
- (c) To ensure the strict observance of this undertaking by all national, regional and local public authorities and institutions;
- (d) To proscribe all propaganda and all organisations which are inspired by ideas or theories based on the superiority of a race or a group of people of a particular ethnic origin, or which try to justify or encourage any form of ethnic, religious, racial or gender based hatred or discrimination.

International Conference on the Great Lakes Region
(Implementation of the Pact On Security, Stability and Development
Act *in the Great Lakes Region) Act* **2017**

ARTICLE 9

Protocol Against the Illegal Exploitation of Natural Resources

The Member States agree, in accordance with the Protocol Against the Illegal Exploitation of Natural Resources, to put in place regional rules and mechanisms for combating the illegal exploitation of natural resources which constitute a violation of the States' right of permanent sovereignty over their natural resources and which represent a serious source of insecurity, instability, tension and conflicts, and in particular:

- (a) To ensure that any activity bearing on natural resources must scrupulously respect the permanent sovereignty of each State over its natural resources and comply with harmonised national legislation as well as the principles of transparency, responsibility, equity, and respect for the environment and human settlements;
- (b) To put to an end, through national and international legal means, to impunity in the illegal exploitation of natural resources by natural persons and legal entities;
- (c) To put in place a regional certification mechanism for the exploitation, monitoring and verification of natural resources within the Great Lakes Region.

ARTICLE 10

Protocol on the Specific Reconstruction and Development Zone

The Member States agree, in accordance with the Protocol on the Specific Reconstruction and Development Zone, to implement, an economic development and local regional integration process, pursuant to the decision contained in the Dar-es- Salaam Declaration to declare the Great Lakes Region as a Specific Reconstruction and Development Zone, and for this purpose, to institute in particular:



THE REPUBLIC OF UGANDA

This printed impression has been carefully compared by me with the bill which was passed by Parliament and found by me to be a true copy of the bill.



.....
Clerk to Parliament

Annex S-5

Uganda People's Defence Forces in the General Court Marshal (G.C.M), *Uganda Prosecutor v. RA 134917 PTE Okello Otono Tonny*, Case No. UPDF/GCM/017/2001, Commencement (7 Jan. 2001)

THE REPUBLIC OF UGANDA
UGANDA PEOPLE'S DEFENCE FORCES
IN THE GENERAL COURT MARTIAL (G.C.M)
CASE NO. UPDF/GCM/017/2001

Date: 01/07/2001

CHARGE SHEET

UGANDA

PROSECUTOR

VERSUS

RA-134917 PTE OKELLO OTIM TONNYACCUSED

COMMENCEMENT

The accused is a male adult soldier of UPDF , aged 27 years, an Acholi by tribe attached to 35th BN (OSH) and is charged with;

COUNT I: STATEMENT OF OFFENCE

Murder C/S 183 and 184 of the Penal Code Act Cap. 106.

PARTICULARS OF OFFENCE

RA-134917 Pte Okello Otim Tonny on or about the 23rd day of May, 2001 , while at Gemena Town Police Station in Gemena District (DRC), with malice a fore thought, armed with SMG No. UE 0253 shot and killed Mr. Munke Lambo Nzabilo a Congolese Citizen .

COUNT 2: STATEMENT OF OFFENCE

Murder C/S 183 & 184 of the Penal Code Act Cap. 106.

PARTICULARS OF OFFENCE

RA. 134917 Pte Okello Otim Tonny on or about the 23rd day of May 2001, while at Gemena Town Police Station in Gemena District (DRC) , with malice a forethought , armed with SMG No. UE 0253 shot and killed Mr. Bomboko Sifio a Congolese Citizen .

COUNT 3: STATEMENT OF OFFENCE:

Murder C/S 183 and 184 of the Penal Code Act Cap. 106 .

PARTICULARS OF OFFENCE

RA. 134917 Pte Okello Otim Tonny on or about the 23rd day of May 2001, while at Gemena Town Police Station in Gemena District (DRC), with malice aforethought, armed with SMG No. UE 0253 shot and killed Mr. G. Bedema Tukia a Congolese Citizen .

COUNT 4: STATEMENT OF OFFENCE:

Murder C/S 183 and 184 of the Penal Code Act Cap. 106 .

PARTICULARS OF OFFENCE

RA. 134917 Pte Okello Otim Tonny on or about the 23rd day of May 2001, while at Gemena Town Police Station in Gemena District (DRC), with malice aforethought, armed with SMG No. UE 0253 shot and killed Mr. Apala Zoma Tipeli a Congolese Citizen .

COUNT 5: STATEMENT OF OFFENCE:

Murder C/S 183 and 184 of the Penal Code Act Cap. 106 .

PARTICULARS OF OFFENCE

RA. 134917 Pte Okello Otim Tonny on or about the 23rd day of May 2001, while at Gemena Town Police Station in Gemena District (DRC), with malice aforethought, armed with SMG No. UE 0253 shot and killed Mr. Kongawi Baya a Congolese Citizen

COUNT 6: STATEMENT OF OFFENCE:

Murder C/S 183 and 184 of the Penal Code Act Cap. 106.

PARTICULARS OF OFFENCE

RA. 134917 Pte Okello Otim Tonny on or about the 23rd day of May 2001, while at Gemena Town Police Station in Gemena District (DRC), with malice aforethought, armed with SMG No. UE 0253 shot and killed Mr. Demogale Batole a Congolese Citizen .


OFFICER PREFERRING CHARGE


CHAIRMAN GCM

Annex S-6

Uganda People's Defence Forces in the General Court Marshal (G.C.M), *Uganda Prosecutor v. RA 134917 PTE Okello Otono Tonny*, Case No. UPDF/GCM/017/2001, Trial Proceedings (7 Jan. 2001)

THE REPUBLIC OF UGANDA
UGANDA PEOPLE'S DEFENCE FORCES

G.C.M HOLDEN AT GEMENA 1/7/01
CASE NO. UPDF/GCM/017/2001

UGANDA

PROSECUTOR

RA 134917 PTE OKELLO OTIM TONNYACCUSED

TRIAL PROCEEDINGS

Present :

- | | | |
|----|----------------------|----------|
| 1. | LT Col Joram Kakari | Chairman |
| 2. | Maj. Herbert Mulombe | Member |
| 3. | Maj.. Alex Ndyanabo | “ |
| 4. | Capt. Micheal Ondoga | “ |
| 5. | Capt. Agnes Musoke | “ |
| 6. | LT George Mawa | “ |
| 7. | WOI Arinaitwe Fred | “ |

Others:

- | | | |
|----|-----------------------|-------------|
| 1. | Capt. John Matovu | J/A |
| 2. | Capt. Moses Wandera | Pros. |
| 3. | Capt. Wilson Mwesigwa | D/Counsel |
| 4. | Jean Francois | Interpreter |

Court opened at 08:40 A.M

Accused matched in
Members reminded they are already on oath .

ACCUSED : I will speak in Swahili .

Members introduce themselves .

Acc : No objection to any of the members.
Right of representation explained .
Capt. Wilson Mwesigwa for the accused .
Capt. Moses Wandera for the State .

Plea taking :

COUNT 1

Chairman reads the charges on count 1 (see charge sheet) . Explained .

Chairman: Have you heard and understood ?

Accused : Yes Sir.

Chairman: Did you commit the said offence ?
Accused: I didn't do it .
J/A: Plea of not guilty entered .

COUNT No. 2 Read and Explained

Chairman: Have you heard and understood ?
Acc: Yes Sir.
Chairman: Did you commit the offence ?
Acc: I didn't do it .
J/A: Plea of not guilty in respect to count No. 2

COUNT No. 3 Read and Explained .

Chairman : Have you heard and understood ?
Acc: Yes Sir .
Chairman: Did you commit the offence ?
Acc: I didn't do it .
J/A: Plea of not guilty on count 3 .

COUNT No.4 Read and Explained

Chairman: Have you heard and understood the charge ?
Acc: Yes Sir
Chairman: Did you commit the said offence ?
Acc: I didn't do it .
J/A: Plea of not guilty entered

COUNT No. 5 Read and Explained

Chairman: Did you commit the offence ?
Acc: No Sir .
J/A: Plea of not guilty. Entered

COUNT No. 6 Read and Explained

Chairman : Did you commit the said offence .
Acc: I never did it .
J/A: Plea of not guilty entered 6

Prosecutor:

Prosecution will adduce evidence that on or about 23rd May, 2001 at Gemena Police armed with SMG UE 0253 at around 11:00 am came and said he wanted to talk with his in-laws who had been arrested on the 23rd May, 2001 . That the authority led the accused up to the cell where suspects were, on arrival there the accused talked with two of them for some time.

That the accused demanded that he be given the two to take them to the UPDF Gemena Airport .

That the guard sensed a hidden agenda and decided to return the 2 suspects to the cells .

That accused got annoyed and was heard shouting loudly at the guard and shortly thereafter, the accused shot a bullet into the police cell . The accused shot other bullets consequently of which led to the shooting and killing of the 06 suspects in the cells .

ie 1. Monke

Annex S-7

Uganda People's Defence Forces in the General Court Marshal (G.C.M), *Uganda Prosecutor v. RA 134917 PTE Okello Otono Tonny*, Case No. UPDF/GCM/017/2001, Final Verdict
(3 July 2001)

THE REPUBLIC OF UGANDA**UGANDA PEOPLES DEFENCE****G.C.M**

UPDF/GCM/017/ 2001

UGANDA PROSECUTOR

VS

RA 134917 PTE OKELLO OTINI TONNY ACCUSED

FINAL VERDICT

The accused person RA 134917 PTE Okello Otim Tonny of 35BN (OSH) was charged in this general court martial on 6 counts of murder in that on or about the 23rd day of May 2001 he with malice afore thought shot and killed 06 inmates at Gemana Police station cells in Gemana District (DRC) contrary to Cap. 106 of the laws of Uganda.

The accused pleaded not guilty in respect of all the counts.

Prosecution led by captain Moses Wandera led evidence to prove the said charges by calling in all 06 witnesses and tendering into Court 10 exhibits.

At the close of the prosecution case the accused through his counsel Capt. Wilson Mwesigwa submitted on a no case to answer. This honourable general Court Martial found that there was a prima-facie case and the accused was consequently put to his defence.

In his defence the accused opted to give an un sworn statement. He also called 02 other witnesses.

This Court has had the benefit of listening to the final submissions of both counsel for the state and the defence. We also heard the summing up and advice on the law from the learned Judge Advocate.

This Court was duty bound to make decisions on the following issues/questions regarding each of the 06 charges.

- a) Whether death occurred of the deceased
- b) Whether it was unlawful.
- c) Whether it was of malice aforethought
- d) Whether there are any defences available to the accused person.

After considering the J.A.S advice, the arguments from either side and after very careful deliberations, the court came up with the following findings.

1. That death occurred in respect of all the counts. We based ourselves on the evidence of PW 4 Dr. Mumbeta Temoyala who made the 06 death certificates and post mortem reports which

- were exhibited before this Court. Among others, the cause of death in respect of all six cases was excessive external and internal bleeding, anaemia, shock due to bullet wounds. The fact of the deaths was also corroborated by PW3 & PW5's testimonies and consented to by the defence.
2. Undoubtedly the deaths or the acts of killing were unlawful.
 3. We are convinced beyond reasonable doubt that the accused Pte Okello Tonny caused the said deaths because;
 - a) PW3 gave cogent testimony before this Court that he personally saw the accused shoot and kill the first victim and thereafter at the scene of crime.
 - b) The accused admitted having committed the offence in his defence and put the defence of intoxication and begged for forgiveness in Court.
 - c) The proximity between the cell (scene of crime) and where PW3 (chief) was, enabled him to clearly identify the accused as it was 11:00 am during the day. This is corroborated by testimonies of PW, and PW2 who saw the accused at close range and who interacted with him immediately before the unfortunate incident. Its on record that the accused identified himself as Okello a Ugandan soldier carrying a fire arm.
 - d) The accused somehow admitted responsibility to the arresting officer. He also admitted before this Court the ownership of the killer gun UE 0253 SMG exhibited as PE 8. The said gun had a fresh smell of gunpowder. The arresting officer recovered 21 empty cartridges and the magazine the accused had was found to have a balance of 09 rounds.
 4. We unanimously find that malice aforethought can easily be inferred in the instant case from the lethal weapon used SMG an assault rifle and the nature of the wounds inflicted on the victims which in almost all the cases led to instant death. This position is supported by the way the accused repeatedly shot at the first victim given after he had fallen from the effect of first bullet.
 5. We find that the defence of intoxication cannot stand because;
 - a) PW1 and PW2 invariably testified that the accused looked sober when he approached them.
 - b) The manner in which the accused acted was systematic importing a pre-conceived plan.
 - c) Nowhere is it shown that the accused was forced to consume alcohol and neither does the consumption of the same necessarily lead to intoxication which the defence was trying to cling to.
 6. The defence contention that the darkish condition in PW3's office would impair his vision of the well lit outdoor was misconceived. On the contrary he was better placed to see clearly what transpired in the brighter outside.

We therefore find as follows:

Count 1

You Pte Okello Otim Tonny, are found guilty of the murder of one Mr. Monke Lambo Nzabilo a Congolese citizen. You are convicted and sentenced to death by hanging.

Count 2

You Pte Okello Otim Tonny, are found guilty of the murder of Mr. Bomboko Sifio a Congolese citizen. You are hereby convicted and sentenced to death by hanging.

Count 3

You Pte Oke4llo Otim Tonny are found guilty of the murder of Mr. Ggedema Tukia a Congolese citizen. You are to therefore convicted and sentenced to death by hanging.

Count 4

You Pte Okello Otime Tonny are found guilty of the murder of Mr. Apala Zoma Tipeli a Congolese citizen. You are to therefore convicted and sentenced to death by hanging.

Count 5

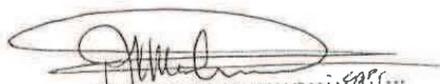
You Pte Okello Otime Tonny are found guilty of the murder of Mr. Kongawi Baya a Congolese citizen. You are to therefore convicted and sentenced to death by hanging.

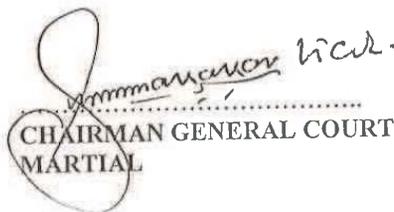
Count 6

You Pte Okello Otime Tonny are found guilty of the murder of one Mr Demogale Batole a Congolese. You are to therefore convicted and sentenced to death by hanging. Sentence in respect to count 2, 3, 4, 5 and 6 suspended.

If you are not satisfied by the decisions of this General Court Martial, you may appeal to a higher court within 14 days.

Under my hand and the seal of this General Court Martial this 3rd day of July the year 2001 at Gemena.


.....
J. A GENERAL COURT MARTIAL


.....
CHAIRMAN GENERAL COURT
MARTIAL

Annex S-8

Uganda, National Resistance Army Statute (20 Mar. 1992)

NATIONAL RESISTANCE ARMY STATUTE, 1992.

REPRODUCED BY:

The Law Development Centre.
P.O. Box 7117, Kampala. Tel. 532884

UGANDA

CORRIGENDUM.

At page 6 of the National Resistance Army Statute (Statute No. 3 of 1992) for the date of commencement substitute 24th April, 1992.

STATUTES
SUPPLEMENT No. 3

20th March, 1992

STATUTES SUPPLEMENT
to the Uganda Gazette No. 12 Volume LXXXV dated 20th March, 1992.
Printed by the government Printer, Entebbe, by Order of the government.

Statute No. 3

National Resistance
Army Statute

1992

THE NATIONAL RESISTANCE ARMY STATUTE, 1992.

ARRANGEMENT OF SECTIONS.

PART I - ORGANISATION

Section.

1. Raising of the Army.
2. Composition.
3. Composition of Regular Force.
4. Composition of Regular Reserve.
5. Full-time active service.
6. Reserve Force in training.
7. Employment of civilians.
8. Commander-in-Chief of the Army.
9. National Resistance Army Council.
10. High Command.
11. Committees.
12. Board of Inquiry

PART II - PERSONS SUBJECT TO MILITARY LAW.

13. Army Code of Conduct.
14. Persons subject to military law.
15. Treachery.

Statute No. 3

*Army Statute
National Resistance*

1992

PART III—TRIAL AND PUNISHMENT OF SERVICE OFFENCES.

Section.

71. Arrest generally.
72. Appointment and powers of specially appointed personnel.
73. Disposal of person arrested.
74. The report of delay of trial.
75. Convening authority.
76. Composition and powers of a Unit Disciplinary Committee.
77. Field Court Martial.
78. Ineligibility to serve on Field Court Martial.
79. Division Court Martial.
80. General Court Martial.
81. Provisions applying to Division Courts Martial and the General Court Martial.
82. Certain category of officers to sit on a military court.
83. Court Martial Appeal Court.
84. Jurisdiction of Court Martial Appeal Court.
85. Disallowing appeal.
86. Setting aside finding, etc.
87. Punishments subject to mitigation.
88. Decisions.
89. Principles of civil courts to be observed generally.
90. Jurisdiction of civil courts.
91. Prerogative of mercy.
92. Scale of punishments.
93. Provisions where accused found insane.

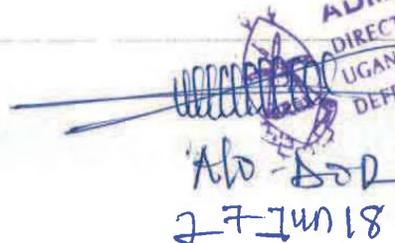
LIMITATIONS.

94. Limitation of jurisdiction.
95. Autrefois acquit and autrefois convict.
96. Quashing of finding of a military court.

Annex S-9

Uganda Peoples' Defence Forces, Directorate of Records, *Discharge of RA 134917 PTE Okello Otono Tonny* (14 Oct. 2004)

ARMYNO RA/134917
RANK PTE
NAMES OKELLO OTIM TONNY
F_UNIT IDIV GAR
FATHER OTIM OJUKU
DISTRICT APAC
COUNTY: OYAM
SUB COUNTY: ABER
PARISH: KAMDINI
VILLAGE: ABANYA B
PHASE NON EFF 1DI
RECKONABLE 06YRS 130DAYS **D_DISCH** 10/14/2004
CERT_NO 0000370 **D_ENTRY** 6/7/1998
REASON NON EFF **VERIFY:** 2BATCH
S_INFORMATION
STATUS


ADMIN OFFICER
DIRECTORATE OF RECORDS
UGANDA PEOPLES'
DEFENCE FORCES
Abo - SDR
27 JUN 18

Annex S-10

Uganda, The Uganda People's Defence Forces Act (2 Sept. 2005)

THE UGANDA PEOPLES' DEFENCE FORCES ACT, 2005.

ARRANGEMENT OF SECTIONS.

PART I—PRELIMINARY.

Section.

1. Short title.
2. Interpretation.

PART II—COMPOSITION, ORGANS AND STRUCTURES
OF THE DEFENCE FORCES.*Composition.*

3. Composition of the Defence Forces.
4. Establishment and Composition of Services.
5. Composition of Regular Forces.
6. Sources and organisation of Reserve Forces.

Command, Appointments, etc.

7. Functions of the Defence Forces.
8. Commander-in-Chief of the Defence Forces, *etc.*
9. Powers of Command.
10. Powers of command of officers of co-operating and other forces.
11. Appointments.
12. Location of units and formations.
13. Authorised ranks, trades.

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14. The Defence Forces Council.
15. High Command.
16. Meetings of the Defence Forces Council and the High Command.
17. Attendance of meetings.
18. Command and Staff Meeting.

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19. Implementation Committee.
20. Commissions Board.
21. Unit Promotions Board.
22. Meetings of the Board.
23. Policy and Administration Committees.
24. Pensions authority and the Ministry responsible for defence.
25. Committees.
26. Board of Inquiry.
27. Defence Forces Fund.

PART III—EMPLOYMENT OF THE DEFENCE FORCES.

*Continuous Full Time Service, Active Service,
Attachment And Secondment, etc.*

28. Service of members of Regular Forces.
29. Inspectorate of Defence Forces.
30. Reserve Forces in peacetime.
31. Mobilisation of Reserve Forces and prescribed forces.
32. Mode of mobilisation.
33. Annual training.
34. Punishment for non-attendance.
35. Discharge on completion of engagement.
36. Discharge during service.
37. Restrictions during full time service.
38. Attachment and secondment.

Deployment Of Troops Outside Uganda.

39. Deployment of troops outside.
40. Agreement relating to deployment of troops outside Uganda.
41. Law applicable.

Aid To The Civil Power.

42. Aid to the civil power.
43. Officers and militants have powers of police officer.
44. Other assistance to the civil authorities.
45. General.

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Co-operation With, And Attachment, Etc. Of Other Forces.

46. Co-operating forces.
47. Attachment, etc. to the Defence Forces.

Miscellaneous.

48. Procurement.
49. Supply and issue of materiel.
50. Commandeering and billeting.

PART IV—TERMS AND CONDITIONS OF SERVICE.

Recruitment And Appointment To Commissions.

51. Recruitment.
52. Enrolment and appointment to commission.
53. Oaths on enrolment.
54. Re-engagement.

*Promotion, Acting Rank, Temporary Rank
And Honorary Rank.*

- 55. Considerations for promotion.
- 56. Board to consult.
- 57. Board to summon persons.
- 58. Allowance for attending Board.
- 59. False information to the Board.
- 60. Unauthorised disclosure.
- 61. Demotion.
- 62. Reward for distinguished service.
- 63. Acting rank and temporary rank.
- 64. Honorary rank.

Release And Suspension.

- 65. Dismissal.
- 66. Resignation of commission.
- 67. Discharge.
- 68. Entitlement to release and exceptions.
- 69. Suspension.

Section.

Financial Provisions.

- 70. Pay and allowances.
- 71. Service pensions and gratuities.
- 72. Maximum pension.
- 73. Gratuity and reduced pension.
- 74. Reduction of establishment.
- 75. Grant of pension, etc. on dismissal.
- 76. Additional service.
- 77. Emergency or recall.
- 78. Death and disability pensions and gratuities.
- 79. Entitlement on disablement or death.
- 80. Payment of pension.
- 81. Pensions and gratuities charged on Consolidated Fund.
- 82. Payment of pensions, *etc* in respect of veterans.
- 83. Income tax .
- 84. Bankruptcy.
- 85. Imprisonment.
- 86. Assignability of pension.
- 87. Seconded personnel.
- 88. Parliamentary representatives.
- 89. Soldiers on remand, detention, bail, *etc*.
- 90. Graduated Tax.
- 91. Appeals from decisions of pensions authority.

General.

- 92. Service of professionals.
- 93. Bonds.
- 94. Leave.
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- 132. Mutiny.

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session to sit within twenty one days after the deployment, for purposes of ratifying that deployment.

40. Agreement relating to deployment of troops outside Uganda

Where troops are to be deployed outside Uganda under a multilateral or bilateral arrangement with other countries, the Minister shall enter into an agreement, in this section referred to as a Status of Forces Agreement with the host country or organisation.

41. Law applicable

(1) The deployed troops shall not be subject to the law of the host country or the jurisdiction of any court or tribunal deriving power under that law.

(2) Deployed soldiers who commit any offence may be repatriated for trial in Uganda.

(3) Where the circumstances surrounding the commission of an offence by a person deployed outside Uganda require that the person be tried and punished at the scene of the crime, that person may, with the approval of the appropriate authority, be so tried and punished under the laws of Uganda.

Aid to the Civil Power.

42. Aid to the civil power

The Defence Forces, any part of the Defence Forces, and any officer or militant, are liable to be called out for service in aid of the civil power in any case in which a riot or disturbance of the peace occurs or is, in the opinion of the appropriate civil authority likely to occur, if in the opinion of the appropriate civil authority the riot or disturbance of the peace is likely to be beyond the powers of the civil authorities to suppress or prevent.

43. Officers and militants have powers of police officer

(1) Officers and militants called out for service in aid of the civil power under Section 42 shall, without further authority or appointment, and without taking any oath of office, have and may exercise, in addition to their powers and duties as officers and militants, all the powers and duties of a police officer.

(2) Where any officer or militant has been called out for service in aid of the civil power, he or she shall act only as a military force and shall individually be liable to obey the orders of his or her superior officer, who shall exercise his or her powers in collaboration with the officer in charge of the civil power.

44. Other assistance to the civil authorities

(1) Subject to subsection (3), the Defence Forces or any part of the Defence Forces may be employed in rendering assistance to the civil authorities required to