



THE NINE HUNDRED AND NINETY-NINTH

ACT

OF THE PARLIAMENT OF THE REPUBLIC OF GHANA
ENTITLED

VIGILANTISM AND RELATED OFFENCES ACT, 2019

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

DATE OF ASSENT: 23rd August, 2019

PASSED by Parliament and assented to by the President:

Preliminary

Application

1. (1) This Act applies to an act or threat of violence or intimidation undertaken by a person or a group of persons to further the interest of that person or any other person affiliated or associated with or connected or related to

- (a) a political party,
- (b) a political office holder,
- (c) an official or member of a political party,
- (d) a landowner or purchaser of landed property,
- (e) a real estate developer,
- (f) a public office holder or any other person who holds an office of a public nature,
- (g) mining activities, or
- (h) a person who engages in other acts of vigilantism.

(2) This Act does not apply to

(a) a person who lives within the same neighbourhood or community, and who acts alone or with other persons, in consent with the aim of preventing the commission of an offence within that neighbourhood or community; and

(b) a person, who having witnessed the commission of an offence, acts with the sole aim of preventing the further commission of that offence or any other offence.

(3) This Act may be read together with relevant enactments and in particular, the Criminal Offences Act, 1960 (Act 29) except that where the offence under prosecution relates to vigilantism, the provisions of this Act shall apply.

Vigilante Groups

Disbandment of vigilante groups

2. A vigilante group in existence before the coming into force of this Act, including the groups set out in the Schedule, is disbanded.

Prohibition of vigilante groups and activities

3. (1) A person shall not directly or indirectly,

(a) form, organize, operate; or

(b) promote the formation, organization, operation or activities of a vigilante group

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

(3) A person shall not take part in the activity, act as a member or subscribe to a membership of a vigilante group.

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

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

(6) Despite subsection (2), (4) and (5) a person who is convicted for contravening subsection (1), (3) or (5) is disqualified from holding any public, political or political party office until at least ten years have elapsed from the date of the conviction or after the end of the sentence.

Aiding and abetting of activities of political party vigilante group

4. (1) A person shall not, directly or indirectly instigate, command, counsel, procure or solicit in any other manner, whether by a personal act, presence or otherwise, an activity of a vigilante.

(2) A person shall not whether by a personal act, presence or otherwise in any other manner purposely aid, facilitate, encourage or promote vigilantism.

(3) A person who knows or has reason to believe that another person is a member of a vigilante group or participates in the activities of a vigilante group, shall not aid, conceal or harbor that other person, with the purpose of enabling that person to avoid lawful arrest.

(4) A person who contravenes subsection (1), (2) or (3) commits an offence and is liable on conviction to a term of imprisonment of not less than ten years and not more than fifteen years.

Funding of a vigilante group

5. (1) A person shall not, directly or indirectly, provide or make available money or any other resource to fund or facilitate the organization, operation or activity of a vigilante.

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

Vigilantism

Prohibition of vigilantism in political party activities

6. (1) A political party shall not directly or indirectly,
- (a) form, organize, operate, or engage; or
 - (b) facilitate the formation, organization, operation or activities of a vigilante group whether belonging to that political party or any other political party.
- (2) A political party that contravenes subsection (1) commits an offence and is liable on conviction to a fine of not less than ten thousand penalty units and not more than twenty-five thousand penalty units.
- (3) Where a political party convicted under subsection (2) fails to pay the penalty imposed, the National Chairman, the General Secretary, the National Organiser and the National Treasurer of the political party are severally liable to a fine of not more than ten thousand penalty units or to a term of imprisonment of not less than ten years and not more than fifteen years.

Prohibition of activities of land guards

7. (1) A person shall not, directly or indirectly, facilitate, organise or promote the organisation of land guards, for the purposes of protecting or guarding land or property, whether belonging to that person or any other person.
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a term of imprisonment of not less than five years and not more than fifteen years.
- (3) A person shall not act as a land guard.
- (4) A person who contravenes subsection (3) commits an offence and is liable on conviction to a term of imprisonment of not less than ten years and not more than fifteen years.
- (5) A person shall not directly or indirectly, engage a land guard to protect or guard the property of that person or any other person.
- (6) A person who contravenes subsection (5) commits an offence and is liable on conviction to a term of imprisonment of not less than ten years and not more than fifteen years.
- (7) Despite a provision in any enactment, a person who acts as a land guard armed with an offensive weapon commits an offence.
- (8) A person who commits an offence under subsection (7) is liable on conviction to a term of imprisonment of not less than ten years and not more than twenty-five years.

Prohibition of a convicted person from contesting public elections or holding public or political party office

8. (1) A person convicted on an offence under this Act is disqualified from
- (a) contesting an election from a public office, or
 - (b) holding any public or political party office until at least ten years have elapsed from the date of the conviction or after the end of the sentence.

Miscellaneous Provisions

Power of Minister to prohibit activities of political party vigilante groups

9. The Minister may, by executive instrument, expand the list of prohibited activities of a vigilante group as specified in the Schedule.

Regulations

10. The Minister may, within twelve months after the coming into force of this Act, by legislative instrument, make regulations which are necessary to give effect to this Act.

Interpretation

11. In this Act, unless the context otherwise requires,

“land guard” means a person who uses violence or the threat of violence to protect or guard land or property belonging to that person or another person.

“Minister” means the Minister responsible for Justice;

“offensive weapon” means an article made or adapted for use for causing injury to a person or damage to property or intended by the person who has the article to use to use the article to cause injury or damage;

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

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

“political party officer” includes

(a) an elected and appointed officer of a political party; and

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

“public office” includes an office, the emoluments attached to which are paid directly from the Consolidated Fund or directly out of moneys provided by Parliament and an office in a public corporation established entirely out of public funds or moneys provided by Parliament;

“public election” includes general, presidential and district level elections and referenda conducted or supervised by the Electoral Commission;

“vigilante” means a person who resorts to an act or threat of violence or intimidation to further the interest of that person or another person;

“vigilante group” means two or more persons, acting in concert by resorting to an act or threat of violence or intimidation to further the interest of the group, the interest of the sponsors or benefactors of that group; and

“vigilantism” means an act or threat of violence or intimidation undertaken by a person to further the interest of that person or any other person affiliated or associated with or related to a person or connected with an activity listed under section 1.

SCHEDULE
(section 2)

1. The Hawks
2. Invincible Forces
3. Delta Force
4. Azorka Boys
5. Bamba Boys
6. Kandahar Boys
7. Bolga Bulldogs
8. 66 Bench
9. Al Jazeera
10. Al Qaeda
11. Aluta Boys
12. Asamankese Forces
13. Baafira
14. Bukurisung
15. Burma Camp
16. The Crocodiles
17. Eastern Members
18. Gbewaa Youth
19. Lions
20. NATO Forces
21. Pentagon
22. Rasta Boys
23. Sese Group
24. Taliban Boys
25. The Dragons
26. The Rock
27. Tohazie

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