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OFFICE OF THE  
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MINISTRIES, ACCRA

My Ref No. L.I.16/2019

10<sup>th</sup> April, 2019

Your Ref No.

REPUBLIC OF GHANA

Fax No: 667609 / 666625

**VIGILANTISM AND RELATED OFFENCES BILL, 2019**

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

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

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

THE CLERK TO PARLIAMENT  
PARLIAMENTARY SERVICE  
PARLIAMENT HOUSE  
ACCRA.

**ATTN: MR. EBENEZER AHUMAH DJETROR**  
(PRINCIPAL ASSISTANT CLERK)

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

**ATTN: HON. OSEI KYEI-MENSAH-BONSU**

THE MINORITY LEADER  
PARLIAMENT HOUSE  
ACCRA

**ATTN: HON. HARUNA IDDRISU**

## VIGILANTISM AND RELATED OFFENCES BILL, 2019

### MEMORANDUM

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



GLORIA AFUA AKUFFO (MISS)

*Attorney General and Minister for Justice*

Date 10<sup>th</sup> Apr. 2019