

Uganda

## Uganda Peoples' Defence Forces Act Chapter 307

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# Uganda

## Uganda Peoples' Defence Forces Act Chapter 307

Commenced on 24 April 1992

*[This is the version of this document at 31 December 2000.]*

*[Note: The version of the Act as at 31 December 2000 was revised and consolidated by the Law Reform Commission of Uganda. All subsequent amendments have been researched and applied by Laws.Africa for ULII.]*

*[Repealed by [Uganda Peoples' Defence Forces Act, 2005 \(Act 7 of 2005\)](#) on 2 September 2005]*

**An Act to provide for the establishment and regulation of the army, which shall be a peoples' force, and for other matters connected therewith.**

### Part I – Interpretation

#### 1. Interpretation

In this Act, unless the context otherwise requires—

- (a) “**active service**” means service—
  - (i) in operation against an enemy or in a foreign country in operations for the protection of life or property or relating to the military occupation of a foreign country;
  - (ii) in operations for the preservation of order;
  - (iii) for purposes of relief in case of emergency; and
  - (iv) for any other purpose appearing to the Uganda Peoples' Defence Forces Council to be expedient;
- (b) “**aircraft**” includes any machine for flying, whether propelled by mechanical means or not, and any description of balloons;
- (c) “**aircraft material**” includes—
  - (i) parts of, components of or accessories for, aircraft, whether for the time being in aircraft or not;
  - (ii) engines, armaments, ammunition and bombs and other missiles of any description in or for use in aircraft;
  - (iii) any other gear, apparatus or instruments in or for use in aircraft;
  - (iv) any apparatus used in connection with the taking off or landing of aircraft or for detecting the movements of aircraft; and
  - (v) any fuel used for the propulsion of aircraft and any material used as a lubricant for aircraft material;
- (d) “**army**” means the Uganda Peoples' Defence Forces;
- (e) “**army unit**” means a unit of battalion strength or any other unit declared to be an army unit;
- (f) “**civil court**” includes a court of ordinary criminal jurisdiction and a court of summary jurisdiction in Uganda;

- (g) “**civil custody**” includes the holding under arrest or any confinement of a person by the police or other competent civil authority and confinement in a civil prison;
- (h) “**commanding officer**” in respect of a person means the commanding officer of that person or such other officer as may, in accordance with regulations, be empowered to act as the commanding officer of that person;
- (i) “**court-martial**” means field court-martial, division court-martial, the general court-martial or the court-martial appeal court;
- (j) “**defence establishment**” means any establishment designated by the Uganda Peoples’ Defence Forces Council or any person authorised in that behalf by the council to be a defence establishment including any property in the defence establishment;
- (k) “**deploying authority**” means the chairperson of the High Command or any officer so designated and without prejudice to the foregoing means, in respect of [section 77](#), the division commander;
- (l) “**enemy**” includes all persons engaged in armed operations against the army and armed mutineers, armed rebels, armed rioters and pirates;
- (m) “**juvenile militant**” means a male or female person over the age of ten years enrolled in the army and below the prescribed minimum age;
- (n) “**lawful order**” includes an order or any instructions given;
- (o) “**militant**” means any person other than an officer who is enlisted in or who is attached or seconded otherwise than as an officer to the army;
- (p) “**military court**” means a unit disciplinary committee or a court-martial;
- (q) “**Minister**” means the Minister responsible for defence;
- (r) “**officer**” means—
  - (i) a person commissioned by the President to the army;
  - (ii) any person who is attached or seconded as an officer to the army;
- (s) “**senior army officer**” means an officer of the Uganda Peoples’ Defence Forces who held the substantive rank of senior officer prior to the 26th of January, 1986;
- (t) “**service offence**” means an offence under this Act or any other Act for the time being in force committed by a person while subject to military law;
- (u) “**stoppages**” means the recovery, by the deductions from the pay of an offender, of a specified sum by way of compensation for any expense, loss or damage occasioned by the offence;
- (v) “**superior officer**” means any officer or militant who in relation to any other officer or militant is, by this Act or by regulations made under this Act or by custom of the appropriate force, authorised to give a lawful order to that other officer or militant;
- (w) “**war materials**” includes arms, ammunition, parts of arms, explosives and other materials ordinarily reserved for the army and shall include such other materials that are so declared by the Uganda Peoples’ Defence Forces Council.

## Part II – Organisation

### 2. Raising of the army

There shall be raised and maintained in accordance with this Act, an army to be known as the Uganda Peoples’ Defence Forces not exceeding such strength as may be determined by the Uganda Peoples’ Defence Forces Council and Parliament sitting in a closed session.



### 3. Composition.

- (1) The army shall consist of—
  - (a) a regular force;
  - (b) a regular reserve; and
  - (c) such other force as may be prescribed by the Uganda Peoples' Defence Forces Council.
- (2) Each regular force, regular reserve or any force prescribed under subsection (1)(c) shall consist of such units and shall be under the immediate supervision and control of officers, as may be prescribed.

### 4. Composition of regular force

Each regular force shall consist of—

- (a) officers commissioned by the President;
- (b) militants enlisted in accordance with regulations made under this Act for the purpose of rendering continuous service during the period of their engagement; and
- (c) such other officers and militants attached to the regular force under arrangements made by the Government.

### 5. Composition of regular reserve

Each regular reserve shall consist of officers whom the Uganda Peoples' Defence Forces Council has transferred to the reserve and militants who have been transferred to the reserve in accordance with the terms of their enlistment.

### 6. Full-time active service

- (1) Every member of a regular force shall be on continuing full-time military service and shall at all times be liable to be employed on active service.
- (2) The Commander-in-Chief may order, in such manner as may be prescribed, the whole or any part of any regular reserve, or any force prescribed under [section 3](#) to be on continuing full-time military service for such period as he or she may determine.
- (3) Upon an order being made under subsection (2), the regular reserve, or any prescribed force, as the case may be, shall be employed on active service.
- (4) Where an order has been made under subsection (2), the officers and militants of any prescribed force or reserve or part of the force or reserve to which the order applies shall, during the continuance of the order be deemed for all purposes, except for such purposes as may be prescribed in the order, to be part of the corresponding regular force.

### 7. Reserve force in training

The whole or any part of any regular reserve or any prescribed force may be called out for training in accordance with regulations made in that behalf.

### 8. Employment of civilians

Civilian employees may be appointed in such numbers, for such purposes, in such manner and under such conditions of service as may be prescribed.

## 9. Commander-in-Chief of the Uganda Peoples' Defence Forces

- (1) The President in terms of article 98(1) of the Constitution shall be the Commander-in-Chief of the Uganda Peoples' Defence Forces.
- (2) The Commander-in-Chief may appoint—
  - (a) an officer of the army to be known as the army commander to be head of the army and who shall be responsible for the command, control and administration of the army;
  - (b) an officer of the army to be known as the deputy army commander to deputise for the army commander and to assist him in the administration of the army and carry out such duties as may be delegated to him;
  - (c) an officer of the army to be known as the army chief of staff who shall be responsible for the control and administration of the army;
  - (d) such other officer of the army under such title as the Commander-in-Chief may deem fit to be head of any force in the army who shall be responsible for the command, control and administration of that force and who shall be responsible to the army commander.

## 10. Uganda Peoples' Defence Forces Council

- (1) There shall be established for the purposes of this Act a Uganda Peoples' Defence Forces Council consisting of —
  - (a) members of the High Command;
  - (b) chiefs and directors of departments;
  - (c) senior army officers as at the 26th day of January, 1986;
  - (d) commanders of different forces; and
  - (e) division, brigade and battalion commanding officers of the army.
- (2) The chairperson at any meeting of the Uganda Peoples' Defence Forces Council shall be the President, and in the absence of the President such person as the President may appoint shall be the chairperson.
- (3) Subject to subsection (4), the Uganda Peoples' Defence Forces Council shall advise the President on all matters connected with the control and administration of the army.
- (4) Subject to the general direction of the President, the Uganda Peoples' Defence Forces Council shall be responsible for professional advice on military defence policy generally.

## 11. High Command

- (1) There shall be a High Command consisting of—
  - (a) the President who shall be the chairperson;
  - (b) the Minister responsible for defence;
  - (c) the original members of the High Command as at the 26th day of January, 1986;
  - (d) the army commander;
  - (e) the deputy army commander;
  - (f) the secretary for defence;
  - (g) the army chief of staff;

- (h) the chief of combat operations;
  - (i) the chief of personnel and administration;
  - (j) the chief of training and recruitment;
  - (k) the chief political commissar;
  - (l) the chief of logistics and engineering;
  - (m) the chief comptroller of finance;
  - (n) the chief of artillery and air defence;
  - (o) the chief signal officer;
  - (p) the chief of medical services;
  - (q) the director of air force;
  - (r) the division commanders; and
  - (s) such other senior officers and heads of departments as the President may appoint.
- (2) No original member of the High Command shall be entitled to sit and take part in the proceedings of the High Command if—
- (a) he is under a sentence of death or imprisonment;
  - (b) he has been convicted of any offence;
  - (c) he has been dismissed or retired from the army for reasons of indiscipline or in the public interest;
  - (d) there is a case pending against him.
- (3) The President may co-opt a person to the High Command for purposes of rendering technical or expert advice to it.
- (4) All members of the High Command shall be members of the Uganda Peoples' Defence Forces Council.
- (5) The High Command shall—
- (a) advise the President in emergency situations and in matters relating to national security or deployment of the army;
  - (b) advise the President when Uganda is at war;
  - (c) perform such duties as may be conferred upon it by any law in Uganda; and
  - (d) perform such other functions as the President may direct.

## 12. Committees

The President may, in consultation with the Uganda Peoples' Defence Forces Council, create and appoint committees for the proper administration of the army.

## 13. Board of inquiry

- (1) The President or any person authorised for that purpose by the President or any prescribed person may, where he or she or that person thinks expedient that information on any matter connected with the Government, discipline, administration or functions of the army or affecting any officer or militant of the army is necessary, appoint a board of inquiry for investigating and reporting on the matter.

- (2) The board of inquiry shall be constituted and its procedure shall be governed in accordance with regulations made under this Act.

### **Part III – Persons subject to military law**

#### **14. Army code of conduct**

- (1) There shall be a code of conduct, for the purpose of guiding and disciplining members of the army, as set out in the Schedule to this Act.
- (2) The Minister after consultation with the Uganda Peoples' Defence Forces Council may, by statutory instrument, amend the Schedule to this Act.

#### **15. Persons subject to military law**

- (1) The following persons shall be subject to military law—
  - (a) every officer and militant of a regular force;
  - (b) every officer and militant of a regular reserve and any force prescribed under [section 3](#), when he is—
    - (i) undergoing drill or training whether in uniform or not;
    - (ii) in uniform;
    - (iii) on duty;
    - (iv) on continuing full-time military service;
    - (v) on active service;
    - (vi) in or on any vessel, vehicle or aircraft of the army or on any defence establishment or work for defence;
    - (vii) serving with any unit of a regular force; or
    - (viii) present, whether in uniform or not, at any drill or training of a unit of the army;
  - (c) subject to such exceptions, adaptations and modifications as the Uganda Peoples' Defence Forces Council may by regulations prescribe, a person who pursuant to any law is attached or seconded as an officer or militant to any force of the army;
  - (d) every person, not otherwise subject to military law, who is serving in the position of an officer or militant of any force raised and maintained out of Uganda and commanded by an officer of the army;
  - (e) every person, not otherwise, subject to military law, who accompanies any unit of the army which is on service in any place;
  - (f) every person, not otherwise subject to military law, who in respect of any service offence committed or alleged to have been committed by him, is in civil custody or in service custody;
  - (g) every person, not otherwise subject to military law, while serving with the army under an engagement by which he agreed to be subject to military law;
  - (h) every person, not otherwise subject to military law, who aids or abets a person subject to military law in the commission of a service; and
  - (i) every person found in unlawful possession of arms, ammunition, equipment and other prescribed classified stores ordinarily being the monopoly of the army.

- (2) Every person who commits a service offence while subject to military law is liable to be charged, dealt with and tried for that offence notwithstanding that he had ceased to be subject to military law since the commission of the offence.
- (3) Every person who, since he committed the offence, has ceased to be subject to military law shall, for the purposes of trial, be considered to have the status and rank which he held immediately before he ceased to be subject to military law.
- (4) Subject to subsections (5) and (6), a person who commits a service offence may be tried only within the force in which he was commissioned or enrolled.
- (5) A person who is attached or seconded to a force other than the force in which he was commissioned or enrolled, or embarked on a vessel or aircraft of a force other than the force in which he was commissioned or enrolled, may be tried either within that other force or within the force to which he was commissioned or enrolled depending on the circumstances and nature of the offences.
- (6) A person serving in the circumstances specified in subsection (1)(d) who while so serving commits a service offence may be tried within the force in which his commanding officer is serving.
- (7) For the purposes of this section, but subject to such limitations as may be prescribed, a person accompanies a unit of the army which is on service if he—
  - (a) participates with that unit in carrying out any of its movements, manoeuvres, duties in a disaster or warlike operations;
  - (b) is accommodated or provided with rations at his own expense or otherwise by that unit in any place designated by the President;
  - (c) is a dependent out of Uganda of an officer or militant serving beyond Uganda with that unit; or
  - (d) is embarked on a vessel or aircraft of that unit.

## 16. Treachery

A person subject to military law who, for any purpose prejudicial to the security or interests of Uganda—

- (a) infiltrates the army of or is an agent of a foreign power or of any force engaging in war or warlike activities against the Government;
  - (b) consciously gives information to a foreign power or any force engaging in war or warlike activities against the Government or solicits information with a view to giving it to such power or force;
  - (c) consciously gives information to anyone without the knowledge and approval of the proper authority; or
  - (d) consciously withholds vital information from the proper authorities,
- commits the offence of treachery and is liable on conviction to suffer death.

## 17. Subversion

A person subject to military law who displays any of the following types of conduct—

- (a) quest for cheap popularity;
- (b) liberalism;
- (c) intrigue and double talk;
- (d) tribalism, nepotism or any other form of sectarianism;
- (e) formation of a clique in the army, commits the offence of subversion and is liable on conviction to life imprisonment.

## 18. Mutiny

- (1) A person subject to military law who—
  - (a) plots, incites, conspires to cause, takes part in or endeavours to persuade any person to join in a mutiny;
  - (b) being present, does not use his utmost endeavours to suppress a mutiny; or
  - (c) being aware of an actual or intended mutiny, does not without delay inform his superior officer of it,commits the offence of mutiny and is liable on conviction, where it results in failure of operation, loss of life, or destruction of military operational materials, to suffer death and in any other case is liable to life imprisonment.
- (2) In this section, the offence of mutiny shall be deemed to be committed when a combination of two or more persons subject to military law or a combination between persons two at least of whom are subject to military law use any means under subsection (1)—
  - (a) to overthrow or resist lawful authority in the army or any forces cooperating with the army or any part of it;
  - (b) to disobey such authority in such circumstances as to make disobedience subversive of discipline or with the object of avoiding any duty or service against or in connection with operations against the enemy; or
  - (c) to impede the performance of any duty or service in the army or any forces cooperating with the army or any part of it.

## 19. Disobeying lawful orders

- (1) A person subject to military law who either wilfully or through neglect disobeys a lawful order commits an offence and is liable on conviction, where it results in failure of operation or loss of life, to suffer death or in any other case is liable to life imprisonment.
- (2) For the purpose of this section, disobeying a lawful order means—
  - (a) failing to carry out lawful orders;
  - (b) failing to communicate lawful orders;
  - (c) breaking lines of formation;
  - (d) taking unauthorised route while on operation;
  - (e) breaking off from the main operational groups; or
  - (f) talking to unauthorised people outside terms of reference while on operation.

## 20. Failing to execute one's duties

- (1) A person subject to military law who fails to execute his duties commits an offence and is liable on conviction, where it results in failure of operation or loss of life, to suffer death or in any other case is liable to life imprisonment.
- (2) For the purposes of this section, failing to execute one's duties means—
  - (a) failing to man roadblocks;
  - (b) failing to man observation posts or when acting as a sentry or lookout, leaving posts before being regularly relieved or sleeping or being drunk;

- (c) failing to man quarter-guard or other guard duties;
- (d) failing to deliver messages or information on time;
- (e) mishandling, misplacing or losing information;
- (f) raising undue complaints over operations; or
- (g) otherwise failing to execute assigned duties or missions without reasonable excuse.

## **21. Offence relating to prisoners of war**

A person subject to military law who—

- (a) by want of due precaution through disobedience of orders or wilful neglect of duty, is made a prisoner of war;
  - (b) having been made a prisoner of war, fails to rejoin the army when able to do so; or
  - (c) having been made a prisoner of war, serves with or aids the enemy,
- commits an offence and is liable on conviction to suffer death.

## **22. Violence to a superior officer**

A person subject to military law who unlawfully strikes or draws or lifts up a weapon against a superior officer, or uses or offers violence against a superior officer commits an offence and is liable on conviction to imprisonment for a term not exceeding five years.

## **23. Insubordinate behaviour**

A person subject to military law who uses threatening or insulting language to or behaves with contempt towards a superior officer commits an offence and is liable on conviction to a term of imprisonment for a period not exceeding two years.

## **24. Quarrels and disturbances**

A person subject to military law who quarrels or fights with any other person who is subject to military law, or who uses provoking words or gestures towards a person so subject tending to cause a quarrel or disturbance, commits an offence and is liable on conviction to a term of imprisonment not exceeding two years.

## **25. Disorders**

A person subject to military law who—

- (a) being concerned in a quarrel, fray or disorder refuses to obey an officer, though of inferior rank, who orders him into arrest, or strikes or uses or offers violence to any such officer;
- (b) strikes or uses or offers violence to any other person in whose custody he is placed;
- (c) resists an escort whose duty is to apprehend him or to have him in-charge; or
- (d) breaks out of barracks, station, camp, quarters or ship,

commits an offence and is liable on conviction to imprisonment for a term not exceeding two years.

**26. Abuse of inferiors**

A person subject to military law who unlawfully strikes, draws, lifts up a weapon against or in any way ill-treats any person in the army who by reason of rank or appointment is subordinate to him commits an offence and is liable on conviction to imprisonment for a term not exceeding five years.

**27. Scandalous conduct by officers, etc.**

- (1) An officer who behaves in a scandalous manner unbecoming of an officer commits an offence and is liable on conviction to suffer dismissal from the army with or without disgrace.
- (2) A person in the army who behaves in a cruel, disgraceful, indecent or unnatural manner commits an offence and is liable on conviction to imprisonment for a term not exceeding seven years.

**28. Drunkenness**

- (1) A person in the army who is drunk, whether or not on duty, commits an offence and is liable on conviction to imprisonment for a term not exceeding seven years.
- (2) For the purposes of this section, a person is drunk if owing to the influence of alcohol, whether alone or in combination with any other circumstances, he is unfit to be entrusted with his duty or with any duty which he might be called upon to perform or behaves in a disorderly manner or in a manner likely to bring discredit to the army.

**29. Cowardice in action**

- (1) A person subject to military law who displays cowardice in action commits an offence and is liable on conviction, where it results in failure of operation or loss of life, to suffer death or in any other case is liable to life imprisonment.
- (2) For the purposes of this section, cowardice in action means—
  - (a) running away or inciting others to run away from the enemy;
  - (b) going over to the enemy;
  - (c) improperly delaying or discouraging any action against the enemy;
  - (d) failing to use utmost exertion to carry out an operation when ordered to do so;
  - (e) failing to capture or abandoning war materials from a routed enemy;
  - (f) improperly abandoning or delivering up a defence establishment, garrison, place, material, post or guard;
  - (g) talking or behaving in a manner that is likely to instill fear in other soldiers;
  - (h) premature unauthorised firing;
  - (i) assisting the enemy with material;
  - (j) improper casting away or abandoning of any material in the presence of the enemy;
  - (k) improperly doing or omitting to do anything which results in the capture or destruction of material by the enemy;
  - (l) leaving posts before being regularly relieved when on watch in the presence or vicinity of the enemy;
  - (m) doing or omitting to do anything with intent to imperil the success of the army.



### 30. Offences by persons in command when in action

A person in command of a vessel, aircraft, defence establishment or unit of the army who—

- (a) when under orders to carry out an operation of war or on coming into contact with an enemy which it is his duty to engage, does not use his utmost exertion to bring the officers and militants under his command or his ship, vessel, aircraft or his other material into action;
- (b) being in action, does not, during the action in his own person and according to his rank, encourage the officers and militants under his command to fight courageously;
- (c) when capable of making a successful defence, surrenders his ship, material or unit to the enemy; or
- (d) gives premature orders to attack resulting in failure of operation,

commits an offence and is liable on conviction, where it results in failure of operation or loss of life, to suffer death or in any other case is liable to life imprisonment.

### 31. Breaching concealment

- (1) A person subject to military law who breaches concealment in operation commits an offence and is liable on conviction, where it results in failure of operation or loss of life, to suffer death or in any other case is liable to life imprisonment.
- (2) For the purposes of this section, breach of concealment in operation means—
  - (a) unauthorised making of any noise;
  - (b) unauthorised talking;
  - (c) unauthorised walking;
  - (d) unauthorised smoking, lighting or any other form of exposure;
  - (e) unauthorised contact with other people;
  - (f) premature or unauthorised shooting;
  - (g) premature or unauthorised withdrawal;
  - (h) negligently choosing bad ground for concealment;
  - (i) giving premature orders that can endanger concealment; or
  - (j) any other act or omission that may result in breach of concealment.

### 32. Personal interests endangering operational efficiency

A person subject to military law who does any of the following acts commits an offence and is liable on conviction to life imprisonment—

- (a) exposing of operational plans by trying to show off to an unauthorised person that he is knowledgeable;
- (b) misusing operational funds, food and other supplies for personal interest;
- (c) capturing from the enemy, goods for personal use instead of capturing materials for the army;
- (d) failing to report and hand in goods captured from the enemy;
- (e) failing to ensure that goods captured from the enemy are brought to base and are accounted for; or
- (f) being drunk during an operation.

### 33. Failure to protect war materials, etc.

- (1) A person subject to military law who fails to protect war materials or misuses war materials commits an offence and is liable on conviction to suffer death.
- (2) For the purposes of this section, failure to protect war materials or misuse of war materials means—
  - (a) failing to guard arms or ammunition;
  - (b) malicious damage to arms or ammunition;
  - (c) tampering with or mishandling arms or ammunition resulting in damage;
  - (d) giving or allowing arms or ammunition to be handled by unauthorised persons;
  - (e) losing arms or ammunition or parts of arms or ammunition;
  - (f) failing to clean arms; or
  - (g) failing to do any other act necessary for the protection of any war material or otherwise misusing war materials.

### 34. Careless shooting in operation

A person subject to military law who carelessly shoots a fellow fighter or handles arms or ammunition in such a manner as to endanger lives of other fighters in operation commits an offence and is liable on conviction to life imprisonment.

### 35. Failure to brief, etc.

- (1) A person subject to military law who—
  - (a) is charged with the responsibility of briefing for an operation and fails to do so;
  - (b) fails to obey instructions as explained or laid down in briefing for an operation; or
  - (c) fails to prepare for an operation,commits an offence and is liable on conviction, where there is failure of operation or loss of life, to suffer death or in any other case is liable to life imprisonment.
- (2) For the purpose of this section, failure to brief or to prepare for an operation means—
  - (a) failing to ensure that soldiers are thoroughly briefed before an operation;
  - (b) failing to carry out debriefing after an operation;
  - (c) failing to ensure personal preparation for an operation;
  - (d) failing to ensure group preparation for an operation;
  - (e) failing to ensure combat readiness of all soldiers;
  - (f) failing to ensure thorough recce;
  - (g) giving false or unreliable information about recce; or
  - (h) neglecting training of soldiers.

### 36. Offences relating to operations

A person subject to military law who—

- (a) does violence to any person bringing material to the army or to any forces cooperating with the army;
- (b) irregularly detains or diverts any material being convoyed to any unit of the army or of any forces cooperating with the army;
- (c) without orders from his superior officer, improperly destroys or damages any property;
- (d) breaks into any house or other place in search of plunder;
- (e) commits any offence against the property or person of any inhabitant or resident of a country in which he is serving;
- (f) steals from or, with intent to steal, searches the person or any person killed or wounded in the course of warlike operations;
- (g) steals any money or property which has been left exposed or unprotected in consequence of warlike operations; or
- (h) takes otherwise than for the service of the Republic of Uganda any money or property abandoned by the enemy, commits an offence and is liable on conviction to life imprisonment.

### 37. Offences relating to security

(1) A person subject to military law who—

- (a) discloses by word of mouth or by document, confidential information to the enemy, or to unauthorised members of the army or the public;
- (b) talks about or discusses any confidential information in unauthorised places or with authorised persons within hearing distance of unauthorised persons;
- (c) gives a parole, watchword, password, countersign or identification signal different from that which he received or without authority alters or interferes with any identification or other signal;
- (d) improperly occasions false alarms;
- (e) forces a safeguard or forces or strikes a sentinel; or
- (f) does or omits to do anything with intent to prejudice the security of the army or forces cooperating with the army,

commits an offence and is liable on conviction to suffer death.

(2) For the purpose of this section, confidential information means—

- (a) intelligence information;
- (b) information relating to the members' positions, materials, movements, preparations for operations of the army or of any forces cooperating with the army;
- (c) information relating to a radio cryptographic system, aid, process, procedure, publication or document of the army or of forces cooperating with the army;
- (d) parole, watchword, password, countersign or identification signal; or
- (e) any other informational material as may be prescribed.

### 38. Spreading harmful propaganda

- (1) A person subject to military law who spreads harmful propaganda commits an offence and is liable on conviction, where there is failure of operation or loss of life, to suffer death or in any other case is liable to life imprisonment.
- (2) For the purpose of this section, spreading harmful propaganda means—
  - (a) discouraging other soldiers from carrying out an operation;
  - (b) speculating about an operation;
  - (c) making oral or written statements ill of the army or the Government excepting constructive criticism; or
  - (d) spreading false stories intended to undermine support for or morale of members of the army or to incite support for or boost morale of the enemy.

### 39. Desertion

- (1) A person subject to military law who deserts commits an offence—
  - (a) if the desertion endangers life or leads to loss of life;
  - (b) if he deserts with arms or ammunition or other war materials;
  - (c) if he deserts and joins the enemy, and is liable on conviction to suffer death or in any other case is liable to life imprisonment.
- (2) For the purposes of this section a person deserts who—
  - (a) being on or having been warned for active service is absent without authority with the intention of avoiding that service;
  - (b) deserts from the army and joins, reports to or otherwise assists the enemy;
  - (c) having been warned that his vessel is under sailing orders, is absent without authority, with the intention of missing that vessel;
  - (d) absents himself without authority from his unit or formation or from the place where his duty requires him to be, with the intention of not returning to that unit, formation or place;
  - (e) while absent with authority from his unit or formation or from the place where his duty requires him to be at anytime during that absence forms the intention of not returning to that unit, formation or place; or
  - (f) while absent with authority from his unit or formation or the place where his duty requires him to be, with the intention of not returning to that unit, formation or place, does any act or omits to do anything, the natural or probable consequence of which act or omission is to preclude his return to that unit, formation or place at the time required.
- (3) A person who has been absent without authority for a continuous period of twenty-one days or more shall, unless the contrary is proved, be presumed to have deserted for the purposes of this Act.

### 40. Connivance at desertion

A person subject to military law who—

- (a) being aware of the desertion or intended desertion of a person from the army, does not, without reasonable excuse, inform his superior officer forthwith; or

- (b) fails to take any steps in his power to cause the arrest of a person known by him to be a deserter, commits an offence and is liable on conviction to a term of imprisonment not exceeding five years.

#### **41. Absence without leave**

- (1) A person subject to military law who absents himself without leave commits an offence and is liable on conviction to a term of imprisonment not exceeding four years.
- (2) For the purposes of this section, a person absents himself without leave who—
- (a) without authority leaves his unit, formation or the place where his duty requires him to be; or
  - (b) without authority is absent from his unit, formation or the place where his duty requires him to be, fails to return to that unit, formation or place at the expiration of the period for which his absence was authorised.

#### **42. False statement in respect of leave**

A person subject to military law who knowingly makes a false statement for the purposes of prolonging his leave of absence commits an offence and is liable on conviction to a term of imprisonment not exceeding two years.

#### **43. Malingering or maiming**

A person subject to military law who—

- (a) malingers or feigns disease or produces disease or infirmity;
- (b) intentionally aggravates or delays the cure of any disease or infirmity by misconduct or wilful disobedience of order; or
- (c) wilfully maims or injures himself or any other person who is in the army or any forces cooperating with the army, whether at the instance of that person or not, with intent by the maiming or injuring to render himself or that other person unfit for service, or causes himself to be maimed or injured by any person with intent by the maiming or injuring to render himself unfit for service,

commits an offence and is liable on conviction if he committed the offence on active service or when under orders for active service, or in respect of a person on active service or under orders for active service, to life imprisonment or in any other case is liable to a term of imprisonment not exceeding five years.

#### **44. Taking or possessing drugs**

A person subject to military law who takes or is in unlawful possession of bhanghi, cannabis, marijuana, cocaine or any other intoxicating drug as may be prescribed by the Uganda Peoples' Defence Forces Council commits an offence and is liable on conviction to a term of imprisonment not exceeding ten years.

### ***Miscellaneous offences***

#### **45. Interfering with the process of law**

- (1) A person subject to military law who unlawfully interferes with the process of law as set out in this Act commits an offence and is liable on conviction to a term of imprisonment not exceeding seven years.
- (2) For the purpose of this section, interfering with the process of law means—
- (a) knowingly withholding material evidence or information;

- (b) fabricating or destroying evidence;
- (c) interfering with a witness in the course of an investigation or proceedings of a case;
- (d) unlawful release of a suspect in lawful custody or arrest or otherwise breaking the rules of security of prisoners as may be prescribed by the Uganda Peoples' Defence Forces Council; or
- (e) premature leaking of information about an investigation or any other interference that may jeopardise the investigation.

#### **46. Unlawful detention of person in custody**

A person subject to military law who—

- (a) unlawfully detains any other person in arrest or confinement; or
- (b) unnecessarily detains any other person without bringing him to trial, or fails to bring that other person's case before the proper authority for investigation,

commits an offence and is liable on conviction to a term of imprisonment not exceeding ten years.

#### **47. Negligent or wilful interference with custody**

A person subject to military law who—

- (a) without authority sets free or authorises or otherwise facilitates the setting free of any person in custody;
- (b) negligently or wilfully allows to escape any person who is committed to his charge, or who it is his duty to guard or keep in custody; or
- (c) assists any person in escaping or in attempting to escape from his custody,

commits an offence and is liable on conviction to imprisonment for a term not exceeding seven years.

#### **48. Escape from custody**

A person subject to military law, who, being under arrest or confinement or in prison or otherwise in lawful custody, escapes, commits an offence and is liable on conviction to imprisonment for a term not exceeding five years.

#### **49. Obstruction of police duties, etc.**

A person subject to military law who—

- (a) resists or wilfully obstructs an officer or militant in the performance of any duty pertaining to the arrest, custody or confinement of any other person subject to military law; or
- (b) when called upon, refuses or neglects to assist an officer or militant in the performance of any such duty,

commits an offence and is liable on conviction to imprisonment for a term not exceeding five years.

#### **50. Offences in relation to convoys**

A person subject to military law who, while serving in any ship or vessel belonging to, or being used by the army and involved in the conveying and protection of another ship or vessel—

- (a) fails to defend any ship, vessel or goods under convoy;
- (b) refuses to fight in the defence of a ship or vessel in his convoy when it is attacked; or

- (c) cowardly abandons or exposes a ship or vessel in his convoy to hazards, commits an offence and is liable on conviction to suffer death.

#### **51. Losing, stranding or hazarding vessels**

A person who hijacks, wilfully or negligently or through other default loses, strands or hazards or suffers to be lost, stranded or hazarded any ship, vessel, or aircraft belonging to or used by the army or forces cooperating with the army, commits an offence and is liable on conviction to suffer death.

#### **52. Wrongful acts in relation to aircraft, etc.**

A person who—

- (a) in the use of, or in relation to, any aircraft or aircraft material, wilfully or negligently or contrary to the regulations, orders or instructions, does any act or omits to do anything, which act or omission results or is likely to result in damage to or destruction or loss of any aircraft or aircraft material of the army or forces cooperating with the army;
- (b) wilfully or negligently or contrary to regulations, orders or instructions, does any act or omits to do anything, which act or omission results or is likely to result in damage to or destruction or loss of any aircraft material of the army or forces cooperating with the army; or
- (c) during a state of war, wilfully or negligently causes the sequestration by or under the authority of a neutral State of any of the aircraft of the army or of any forces cooperating with the army,

commits an offence and is liable on conviction to suffer death.

#### **53. Low flying**

A person subject to military law who flies an aircraft at a height lower than the height as may be prescribed by regulations or in any other manner so as to cause or be likely to cause annoyance to any person except—

- (a) while taking off or landing; or
- (b) in such other circumstances as may be prescribed, commits an offence and is liable on conviction to imprisonment for a term not exceeding five years.

#### **54. Inaccurate certificate**

A person who signs an inaccurate certificate in relation to an aircraft or aircraft material, unless he proves that he took reasonable steps to ensure that it was accurate, commits an offence and is liable on conviction to suffer death.

#### **55. Dangerous acts in relation to aircraft**

A person subject to military law who does or omits to do an act in the use of or in relation to an aircraft or aircraft material, which act or omission causes or is likely to cause loss of life or bodily injury to any person, commits an offence and is liable on conviction to suffer death.

#### **56. Disobedience of commander's orders**

- (1) A person subject to military law who, when in an aircraft, disobeys any lawful command given by the commander of the aircraft in relation to the flying or handling of the aircraft or affecting the safety of the aircraft whether or not the commander is subject to military law commits an offence and is liable on conviction to life imprisonment.

- (2) For the purposes of this section—
- (a) a person whatever his rank, shall, when he is in an aircraft, be under the command of the commander of the aircraft as respects all matters relating to the flying or handling of the aircraft or affecting the safety of the aircraft whether or not the commander is subject to military law; and
  - (b) if the aircraft is a glider and is being towed by another aircraft, the commander of the glider shall, so long as his glider is being towed, be under the command of the commander of the aircraft as respects all matters relating to the flying or handling of the glider or affecting the safety of the glider, whether or not the commander is subject to military law.

### **57. Disturbance in billets, etc.**

A person subject to military law who—

- (a) ill-treats, by violence, extortion or making disturbances, in billets or otherwise in which he or any other person is billeted or of any premises in which accommodation for material of the army has been provided; or
- (b) fails to comply with regulations made under this Act in respect of the payment of the just demands of the person on whom he or any officer or militant under his command is or has been billeted or the occupant of premises on which such material is or has been accommodated,

commits an offence and is liable on conviction to a term of imprisonment not exceeding seven years.

### **58. Attempt to hijack aircraft, vessel, etc.**

A person who attempts to hijack an aircraft, vessel or ship belonging to or used by the army or forces cooperating with the army commits an offence and is liable on conviction to suffer death.

### **59. Offences in relation to documents**

A person who—

- (a) wilfully or negligently makes a false statement or entry in a document made or signed by him that is required for the purposes of this Act or any regulations made under this Act, or who, being aware of the falsity of a statement or entry in such a document, orders the making or signing of the document;
- (b) when signing a document required for such purposes leaves blank any material part for which his signature is a voucher; or
- (c) with intent to injure any person or with intent to deceive, suppresses, defaces, alters or makes away with any document or file kept, made or issued for any such purpose,

commits an offence and is liable on conviction to imprisonment for a term not exceeding seven years.

### **60. Conspiracy**

A person subject to military law who conspires with any other person, whether or not the other person is subject to military law, to commit a service offence, commits an offence and is liable on conviction to imprisonment for a term not exceeding seven years.



**61. Causing fire**

A person who wilfully or negligently or contrary to regulations made under this Act, orders or instructs or does any act or omits to do anything which act or omission causes or is likely to cause fire to occur in any establishment, works, or material for defence, commits an offence and is liable on conviction—

- (a) if the act or omission was wilful, to suffer death; and
- (b) in any other case, to life imprisonment.

**62. Unauthorised use of vehicles**

A person who—

- (a) uses a vehicle of the army for an unauthorised purpose;
- (b) without authority uses a vehicle of the army for any purpose; or
- (c) uses a vehicle of the army contrary to any regulations made under this Act, orders or instructions, commits an offence and is liable on conviction to imprisonment for a term not exceeding four years.

**63. Destruction, loss or improper disposal of property**

A person subject to military law who—

- (a) wilfully destroys or damages, loses by neglect, improperly sells or wastefully expends any property—
  - (i) of the army or forces cooperating with the army;
  - (ii) or contributed by members of the army for their use; or
- (b) wilfully destroys or damages public or private property, commits an offence and is liable on conviction to a term of imprisonment not exceeding seven years.

**64. Selling or pawning decorations**

A person subject to military law who sells, pawns or otherwise disposes of any cross, medal, insignia or other decoration commits an offence and is liable on conviction to imprisonment for a term not exceeding five years.

**65. False accusation, etc.**

A person subject to military law who—

- (a) makes a false accusation against any officer or militant, knowing the accusation to be false; or
- (b) when seeking redress in a matter in which he considers that he has suffered any personal oppression, injustice or other ill-treatment or that he has any other cause for grievance, knowingly makes a false statement affecting the character of an officer or militant which he knows to be false or knowingly, in respect of the redress so sought, suppresses any material facts, commits an offence and is liable on conviction to imprisonment for a term not exceeding five years.

**66. Conduct prejudicial to good order and discipline**

- (1) Any act, conduct, disorder or neglect to the prejudice of good order and discipline of the army shall be an offence.

- (2) A person convicted of an offence under subsection (1) shall be liable to dismissal with disgrace from the army.
- (3) No person may be charged under this section with any offence for which special provision is made in any other Part of this Act.
- (4) The conviction of a person charged under this section shall not be invalid by reason only of the charge being in contravention of subsection (3) unless it appears that an injustice has been done to the person charged by reason of the contravention, but the responsibility of any officer for that contravention shall not be affected by the validity of the conviction.
- (5) For the purposes of this section, an act or omission constituting a contravention by any person of—
  - (a) any regulations, orders or instructions published for the general information and guidance of the army to which that person belongs, or to which he is attached or seconded; or
  - (b) any general, garrison, unit, station, standing, local or other orders, shall be an act, conduct, disorder or neglect to the prejudice of good order and discipline of the army.
- (6) Nothing in subsection (5) shall affect the generality of subsections (1) and (2).

## 67. Other offences

A person subject to military law who—

- (a) connives at the exaction of an exorbitant price for property purchased or rented by a person supplying property or services to the army;
  - (b) improperly demands or accepts compensation, consideration or personal advantage in respect of the performance of any military duty or in respect of any matter relating to the army;
  - (c) receives directly or indirectly, whether personally or by or through any member of his family or person under his control, for his benefit, any gift, loan, promise, compensation or consideration either in money or otherwise, from any person, for assisting or favouring any person, in the transaction of any business relating to the army or to any forces cooperating with the army or to any mess, institute or canteen operated for the use and benefit of members of those forces;
  - (d) demands or accepts compensation, consideration or personal advantage for convoying a vessel entrusted to his care;
  - (e) being in command of a vessel or aircraft, takes or receives on board goods or merchandise that he is not authorised to take or receive on board;
  - (f) unlawfully erects or places barriers in or across any road or street or on a path or in any public place within Uganda; or
  - (g) commits any act of a fraudulent nature not expressly specified in this Act,
- commits an offence and is liable on conviction to imprisonment for a term not exceeding seven years.

## 68. Offences in respect of military courts

- (1) A person who—
  - (a) being duly summoned or ordered to attend as a witness before a military court, makes default in attending;
  - (b) refuses to take an oath or make a solemn affirmation lawfully required by a military court to be taken or made;
  - (c) refuses to produce any document in his power or control lawfully required by a military court to be produced by him;

- (d) refuses when a witness to answer any question to which a military court lawfully requires an answer;
  - (e) uses insulting or threatening language before or causes any interruption or disturbances in the proceeding of a military court; or
  - (f) commits or omits to perform any act before a military court which act or omission if done or made before a civil court would constitute a contempt of that court,
- commits an offence and is liable on conviction to imprisonment for a term not exceeding five years.
- (2) Where an offence under this section is committed at or in relation to a court-martial, that court-martial may, under the hand of its chairperson, issue an order that the offender shall undergo a term of imprisonment or detention for a period not exceeding thirty days.
  - (3) Where any such order is issued, the offender shall not be liable to any other proceedings under military law in respect of the contempt in consequence of which the order is issued.
  - (4) For the purposes of this section, "military court" shall include a board of inquiry.

### 69. Service trial of civil offences

- (1) A person subject to military law who does or omits to do an act—
  - (a) in Uganda, which constitutes an offence under the Penal Code Act or any other enactment;
  - (b) outside Uganda, which would constitute an offence under the Penal Code Act or any other enactment if it had taken place in Uganda,commits a service offence and is liable on conviction to a punishment as provided in subsection (2).
- (2) Where a military court convicts a person under subsection (1), the military court shall impose a penalty in accordance with the relevant enactment and may, in addition to that penalty, impose the penalty of dismissal with disgrace from the army or any lesser punishment provided by this Act.

### 70. Conviction for related or less serious offences

- (1) A person charged with desertion may be found guilty of attempting to desert or of being absent without leave.
- (2) A person charged with attempting to desert may be found guilty of being absent without leave.
- (3) A person charged with any of the offences specified in [section 22](#) may be found guilty of any other offence specified in that section.
- (4) A person charged with any of the offences specified in [section 23](#) may be found guilty of any other offence specified in that section.
- (5) A person charged with a service offence may on failure of proof of an offence having been committed under circumstances involving a higher punishment, be found guilty of the same offence as having been committed under circumstances involving a lower punishment.
- (6) Where a person is charged with an offence under [section 69](#) and the charge is one upon which, if he had been tried by a civil court in Uganda for that offence, he might have been found guilty of any other offence, he may be found guilty of that other offence.

### 71. Aiding or abetting commission of offence, etc.

A person subject to military law who—

- (a) does or omits to do an act for the purpose of aiding any person to commit the offence;
- (b) attempts to commit or abets any person in the commission of the offence; or

- (c) counsels or procures any person to commit the offence,

commits an offence and is liable on conviction to the same punishment as the person who commits the actual offence.

## Part IV – Trial and punishment of service offences

### 72. Arrest generally

- (1) A person who has committed, is found committing, is suspected of being about to commit, or is suspected of or charged under this Act with having committed a service offence may be placed under arrest.
- (2) For the avoidance of doubt, the ordinary arresting officer shall be the commanding officer of the unit to which the suspect belongs or in cases where it is impracticable for him to do so, any member of the army may without warrant in the circumstances mentioned in subsection (1) conduct the arrest of a suspect of equal or lower rank.
- (3) A member of the army or public may without warrant conduct the arrest of any member of the army found committing or suspected of being about to commit a service offence.
- (4) A soldier may without warrant conduct the arrest of a member of the army of any rank who is wanted to answer charges in respect of any of the following offences—
- (a) murder;
  - (b) treason;
  - (c) mutiny;
  - (d) rape;
  - (e) desertion;
  - (f) breaking concealment;
  - (g) careless shooting of a fellow soldier or civilian; or
  - (h) any other offence carrying maximum death sentence.
- (5) A person authorised to effect arrest under this Act may use such force as is reasonably necessary for that purpose.

### 73. Appointment and powers of specially appointed personnel

An officer or militant appointed under regulations made for the purpose of this section may—

- (a) detain or arrest without a warrant any person who is subject to military law, regardless of the rank or status of that person, who has committed, is found committing, is suspected of or charged under this Act with having committed a service offence; and
- (b) exercise such other powers as may be prescribed for the enforcement of military law.

### 74. Disposal of person arrested

- (1) A person effecting arrest under this Part of this Act shall forthwith commit the arrested person in civil custody or service custody or take him to the unit or formation with which he is serving or to any other unit or formation of the army and shall at the time of that committal or as soon as is practicable and in any case within forty-eight hours deliver to the officer or militant in whose custody that person is committed, a statement in writing, signed by himself stating the nature of the offence he is alleged to have committed and the particulars of the offence.

- (2) An officer or militant commanding a guard, guardroom or safeguard or an officer or militant appointed under [section 73](#) shall receive a person committed to his custody and shall as soon as is practicable and in any case within twenty-four hours, give in writing to the officer or militant to whom it is his duty to report a statement stating—
  - (a) the name of the person committed to his custody;
  - (b) the particulars of the offence alleged to have been committed by that person so far as is known;
  - (c) the name and rank of the officer, militant or other person by whom the person so committed was placed in custody; and
  - (d) the statement received pursuant to subsection (1).
- (3) The copies of the report made under subsection (2) shall be submitted to—
  - (a) the commanding officer of the unit of the detained person;
  - (b) the director of military intelligence; and
  - (c) the director of legal services.
- (4) If there is no statement received pursuant to subsection (1), the reporting officer shall inform the officer or militant to whom it is his duty to report of the following—
  - (a) the name of the committed person;
  - (b) the name of the committing officer; and
  - (c) the date and time of committal, and seek for advice as to whether or not he should continue to detain the person.

## 75. The report of delay of trial

- (1) Where a person triable under military law has been placed under arrest for a service offence and remains in custody for seven days without trial by a military court, his commanding officer shall make a report to the convening authority of the military court supposed to try the person stating the reasons for delaying the trial, and a similar report shall be forwarded in the same manner after every seven days until trial.
- (2) A person held in custody in the circumstances mentioned in subsection (1), who has been continuously so held for twenty-eight days without being tried by a military court, may, at the expiration of that period, petition the President or such other authority as the President may appoint in writing for that purpose, to be released from custody or for the disposal of the case.
- (3) A person held in custody in the circumstances mentioned in subsection (1) shall be freed by his commanding officer when a period of ninety days continuous custody from the time of arrest has expired, unless a military court supposed to try him has been ordered to convene.
- (4) A person who has been freed from custody pursuant to subsections (2) and (3) shall not be subject to rearrest for the offence for which he was originally charged, except on the written order of an authority having power to convene a military court for his trial; but where the President himself or herself orders a person's release, then the release shall be treated as a pardon and that person shall not be subject to rearrest for the offence with which he was originally charged.

## 76. Convening authority

The High Command or any other authority as may be authorised in that behalf by the High Command may convene a military court.

**77. Composition and powers of a unit disciplinary committee**

- (1) There shall be a unit disciplinary committee for each army unit which shall consist of—
  - (a) a chairman who shall not be below the rank of a captain;
  - (b) the administration officer of the unit;
  - (c) the political commissar of the unit;
  - (d) the regimental sergeant major or company sergeant major of the unit;
  - (e) two junior officers;
  - (f) one private.
- (2) The quorum of a unit disciplinary committee shall be five members including the chairman.
- (3) A unit disciplinary committee shall have powers to try and determine all cases other than those involving—
  - (a) murder;
  - (b) manslaughter;
  - (c) robbery;
  - (d) rape;
  - (e) treason;
  - (f) terrorism; and
  - (g) disobedience of lawful orders resulting in loss of life.
- (4) A unit disciplinary committee may refer any case which in its opinion is of a particularly complex nature to the division court-martial.
- (5) A unit disciplinary committee shall have power to impose any sentence authorised by law.

**78. Field court-martial**

- (1) There shall be a field court-martial which shall consist of the field commander of the operation as the chairman and eight other members appointed in writing by the deploying authority before departure.
- (2) A field court-martial shall only operate in circumstances where it is impracticable for the offender to be tried by a unit disciplinary committee or division court-martial.

**79. Ineligibility to serve on a field court-martial**

Any of the following persons shall not qualify to sit as a member of a field court-martial—

- (a) the officer who convened the court-martial;
- (b) the prosecutor;
- (c) a witness for the prosecution;
- (d) a provost officer;
- (e) an officer who is under the age of eighteen years; or
- (f) any person who prior to the proceedings of the court-martial participated in the investigations of the case against the person charged.

**80. Division court-martial**

- (1) There shall be in each division, a division court-martial which shall have unlimited jurisdiction to try any offence under this Act.
- (2) A division court martial shall consist of—
  - (a) a chairman who shall not be below the rank of major;
  - (b) two senior officers;
  - (c) two junior officers;
  - (d) a political commissar;
  - (e) one noncommissioned officer, all of whom shall be appointed by the High Command for a period of one year.

**81. General court-martial**

- (1) There shall be a general court-martial which shall have both original and appellate jurisdiction over all offences and persons under this Act.
- (2) The general court-martial shall consist of—
  - (a) a chairman who shall not be below the rank of lieutenant-colonel;
  - (b) two senior officers;
  - (c) two junior officers;
  - (d) a political commissar; and
  - (e) one noncommissioned officer, all of whom shall be appointed by the High Command for a period of one year.
- (3) The general court-martial may sit at any place in Uganda.

**82. Provisions applying to division court-martial and the general court-martial**

The following provisions shall apply to a division court-martial and the general court-martial—

- (a) all members of the court-martial shall be eligible for reappointment;
- (b) the High Command shall appoint such number of reserve members as it may decide to sit on the court, any of whom may be called upon to sit as a member of the court for the purpose of constituting a full court or realising a quorum;
- (c) when the court is trying an accused person for a capital offence, all members of the court shall be present and in any other case the quorum shall be five members.

**83. Certain category of officers to sit on a military court**

There shall be at any proceeding of a military court the following officers appointed by the High Command or any other authority as may be authorised in that behalf by the High Command —

- (a) a secretary who shall record all the proceedings of the court;
- (b) a legal officer from members of the army who shall sit on and advise the court during its proceedings on the law and procedure; and
- (c) a prosecutor who may be an intelligence officer or a security officer.

#### 84. Court-martial appeal court

- (1) There shall be a court-martial appeal court which shall hear and determine all appeals referred to it under this Act from decisions of the general court-martial.
- (2) The composition, appointment, qualifications of members, procedure and any other matters connected with or incidental to the court-martial appeal court shall be in accordance with such regulations as may be prescribed.

#### 85. Jurisdiction of court-martial appeal court

A person who has been tried and found guilty by the general court-martial shall have a right to appeal to the court-martial appeal court, in such form, manner and within such time as may be prescribed on either or both of the following matters—

- (a) the legality of any or all of the findings;
- (b) the legality of the whole or any part of the sentence.

#### 86. Disallowing appeal

Notwithstanding anything in this Part of this Act, the court-martial appeal court may disallow an appeal if, in the opinion of the court to be expressed in writing, there has been no substantial miscarriage of justice.

#### 87. Setting aside finding, etc.

- (1) Upon the hearing of an appeal respecting the legality of a finding of guilty on any charge, the court-martial appeal court, if it allows the appeal shall—
  - (a) set aside the finding and direct a finding of not guilty to be recorded in respect of that charge; or
  - (b) direct a new trial on that charge, in which case the appellant shall be tried again as if no trial on that charge had been held.
- (2) Where the court-martial appeal court has set aside a finding of guilty and no other finding of guilty remains, the whole sentence shall cease to have force and effect.
- (3) Where the court-martial appeal court has set aside a finding of guilty and another finding of guilty remains, it shall—
  - (a) affirm the punishment imposed by the military court if the military court could legally have imposed that punishment upon the finding of guilty that remains; or
  - (b) subject to such conditions as may be prescribed, substitute for the punishment imposed by the military court, such new punishment as it considers appropriate.
- (4) Where an appellant has been found guilty of an offence and the military court—
  - (a) could on the charge have found him guilty under [section 70](#) of some other offence; or
  - (b) could have found him guilty of some other offence on any alternative charge that was laid, and on the actual finding it appears to the court-martial appeal court that the facts proved him guilty of that other offence,the court may, instead of allowing or dismissing the appeal, substitute for the finding of guilty of that other offence.
- (5) Where, pursuant to subsection (3) or (4) a new punishment is substituted, the punishment imposed by the military court shall thereupon cease to have effect, and [section 102](#) shall apply to the new punishment.



## 88. Punishments subject to mitigation

Where a punishment included in a sentence has been dealt with under [section 87\(3\)](#), the new punishment shall be subject to mitigation, commutation, remission or suspension in the same manner and to the same extent as if it had been passed by the military court.

## 89. Decisions

- (1) In any military court the verdict shall be by majority opinion and when a decision is reached in that manner, it shall be binding on all members of the court concerned.
- (2) It shall be an offence for any member who takes part in the proceedings of a military court where a decision is reached by majority opinion to later disassociate himself from the decision, and any member found guilty of that offence shall be suspended from the court by the High Command.

## 90. Principles of civil court to be observed generally

Except as otherwise expressly provided in this Act and any regulations made under it, the rules of evidence and procedure to be observed in proceedings before a military court shall, as far as is practicable, be the same as those observed in proceedings before a civil court.

## 91. Jurisdiction of civil court

Nothing in this Act shall affect the jurisdiction of any civil court to try a person for an offence triable by that court.

## 92. Prerogative of mercy

The President shall, while exercising his or her powers under article 121 of the Constitution, be advised by members of the High Command in cases falling under this Act.

## 93. Scale of punishments

- (1) The following punishments may be imposed in respect of service offences—
  - (a) death;
  - (b) imprisonment for two years or more;
  - (c) dismissal with disgrace from the army;
  - (d) imprisonment for a term not exceeding two years;
  - (e) dismissal from the army;
  - (f) detention;
  - (g) reduction in rank;
  - (h) communal labour;
  - (i) forfeiture of seniority;
  - (j) suspension;
  - (k) severe reprimand;
  - (l) reprimand;
  - (m) caution;
  - (n) fine;

- (o) stoppages; and
  - (p) such other minor punishments as may be prescribed.
- (2) Each punishment specified in a paragraph of subsection (1) shall be deemed to be a punishment less than any other punishment preceding it in that subsection.
- (3) Except where a mandatory sentence is prescribed under this Act, a military court may impose a lesser penalty in accordance with the scale of punishments in this section.
- (4) Notwithstanding anything to the contrary in subsection (1), the following punishments shall be the punishments that may be imposed on a juvenile militant—
- (a) dismissal from the army by his commanding officer subject to the confirmation of the prescribed authority;
  - (b) fine, not exceeding one-quarter of his salary, imposed by his commanding officer or not exceeding one-eighth of his salary imposed by the officer commanding the junior leaders company;
  - (c) detention, not exceeding twenty-one days, imposed by his commanding officer;
  - (d) where the offence has caused expense, loss or damage, stoppages not exceeding one-half of his pay, calculated at a daily rate, for thirty days;
  - (e) confinement to barracks for a period not exceeding fourteen days, imposed by his commanding officer;
  - (f) extra drills or classes for offences committed during drills or classes;
  - (g) admonishment; and
  - (h) such other punishments as may be prescribed.
- (5) In addition to any punishments specified in subsection (4), the following punishments may be imposed on a juvenile militant noncommissioned officer—
- (a) reduction or deprivation of rank by his officer; and
  - (b) reprimand or severe reprimand.
- (6) The punishment of imprisonment for two years or more or imprisonment for a term not exceeding two years shall be subject to the following conditions—
- (a) every person who on conviction of a service offence is liable to life imprisonment or for a term of years may be sentenced to imprisonment for a shorter term;
  - (b) sentence of imprisonment imposed upon any person subject to military law shall be deemed to include dismissal with disgrace from the army, whether or not the last-mentioned punishment is passed by the military court.
- (7) Where a military court imposes a punishment of dismissal with disgrace from the army upon an officer or militant, the military court may in addition, notwithstanding any other provision of this Part of this Act, impose a punishment of imprisonment for a term not exceeding two years.
- (8) A person upon whom a punishment of dismissal with disgrace from the army has been carried out shall not, except in an emergency or unless that punishment is subsequently set aside or altered, be eligible to serve the Republic of Uganda again in any military capacity.
- (9) The punishment of detention shall be subject to the following conditions—
- (a) detention shall not exceed two years and a person sentenced to detention shall not be subject to detention for more than two years consecutively by reason of more than one conviction; and

- (b) in the case of a warrant officer or noncommissioned officer in the army a sentence that includes a punishment of detention shall be deemed to include a punishment of reduction in rank to which under regulations he can be reduced.
- (10) The punishment of reduction in rank shall apply to officers, warrant officers and noncommissioned officers.
- (11) The punishment of reduction in rank shall—
  - (a) not involve reduction in rank lower than that to which under regulations the offender can be reduced;
  - (b) not, in the case of a commissioned officer, involve reduction to rank lower than an inferior grade of subordinate officer;
  - (c) in the case of an officer, be subject to approval by the High Command.
- (12) Where an officer or militant has been sentenced to forfeiture of seniority, the military court imposing the punishment shall, in passing sentence, specify the period for which seniority is to be forfeited.
- (13) A fine shall be imposed in a stated amount and shall not exceed, in the case of an officer or militant, three month's basic pay, and in the case of any other person, one month's basic pay; and the terms of payment of a fine may be determined by the court imposing the fine.
- (14) Stoppages shall be effected in the manner prescribed in regulations made under this Act.
- (15) Where a person is under a sentence imposed by a military court which includes a punishment involving imprisonment and he is subsequently convicted and sentenced to another term of imprisonment, both terms of imprisonment shall, from the date of the pronouncement of the new sentence, run concurrently, but the punishment higher in the scale of punishments shall be served first.

#### **94. Provisions where accused found insane**

- (1) Where, on the trial of a person by a military court it appears to the court that the accused is by reason of insanity unfit to stand his trial, the court shall so find, and if the finding is confirmed in accordance with the following provisions of this section, the accused shall be kept in custody in such manner as may be provided by or under rules made under this section until the directions of the Minister are known or until any earlier time at which the accused is fit to stand his trial.
- (2) Where on the trial of a person by a military court, it appears to the court that the evidence is such as, apart from any question of insanity, to support a finding that the accused was guilty of any offence, but that at the time of the acts or omissions constituting that offence the accused was insane so as not to be responsible for his actions in accordance with the Penal Code Act, the court shall find that the accused was guilty of that offence but was insane at the time of the offence; and thereupon the accused shall be kept in custody in such a manner as may be provided by or under rules made under this Part of the Act until the directions of the Minister are known.
- (3) In the case of a finding under subsection (2), the Minister may give orders for the safe custody of the accused during his or her pleasure in such place and in such manner as the Minister thinks fit.
- (4) In the discharge of his or her functions under this section, the Minister shall consult with the Minister responsible for justice.

#### ***Limitations***

#### **95. Limitation on jurisdiction**

A person alleged to have committed a service offence may be charged, dealt with and tried under military law whether the alleged offence was committed in Uganda or out of Uganda.

**96. *Autrefois acquit and autrefois convict***

- (1) A person, in respect of whom a charge of having committed a service offence has been dismissed, or who has been found guilty or not guilty either by a military court or a civil court on a charge of having committed any such offence, shall not be tried again by any court in respect of that offence or any other offence of which he might have been found guilty on that charge.
- (2) Nothing in subsection (1) shall affect the validity of a new trial ordered under [section 99](#) or [section 87](#).

**97. *Quashing findings of a military court***

- (1) The court-martial appeal court may quash any finding of guilty made by a military court.
- (2) Where, after a finding of guilty has been quashed, another finding of guilty remains, the whole of the sentence passed by the military court shall cease to have force and effect.
- (3) Where, after a finding of guilty has been quashed, another finding of guilty remains, and any punishment included in the sentence passed by the military court is in excess of the punishment authorised by this Act in respect of the finding of guilty which remains, or is, in the opinion of the court unduly severe, the court shall, subject to such conditions as may be prescribed, substitute such new punishment as it considers appropriate.

**98. *Substitution of findings for original findings of military court***

- (1) The court-martial appeal court may—
  - (a) substitute a new finding for any finding of guilty, made by a military court, that is illegal or cannot be supported by the evidence if the new finding could validly have been made by the military court on the charge and if it appears that the military court was satisfied on the facts establishing the offence specified or involved in the new finding;
  - (b) substitute for the finding guilty made by a military court a new finding of guilty of some other offence if the military court could on the charge have found the offender guilty —
    - (i) under section 70 of that other offence;
    - (ii) of that other offence on any alternative charge that was laid, and it appears that the facts proved him guilty of that other offence.
- (2) Where a new finding has been substituted for a finding made by a military court and any punishment included in the sentence passed by a military court is in excess of the punishment authorised by this Act in respect of the new finding, or is, in the opinion of the court-martial appeal court unduly severe, the court-martial appeal court shall, subject to such conditions as may be prescribed, substitute such new punishment as it considers appropriate.

**99. *New trial***

- (1) Where a military court has found a person guilty of an offence and the court-martial appeal court considers that a new trial is advisable by reason of an irregularity in the law in the proceedings before the military court, it may set aside the finding of guilty and direct a new trial, and that person shall be tried again for that offence as if no previous trial had been held.
- (2) Where at a new trial held pursuant to this section a person is found guilty—
  - (a) if the new punishment includes a term of imprisonment, there shall be deducted from that term any time during which the offender had been imprisoned following the pronouncement of the previous sentence; and

- (b) if the new punishment is in the same paragraph in the scale of punishments as the punishment imposed by the military court in the first instance, the new punishment shall not be in excess of the previous punishment.
- (3) The court-martial appeal court may dispense with any new trial directed under this section or under [section 87](#).

#### **100. Substitution of punishments**

Where a military court has passed a sentence in which is included an illegal punishment, the court-martial appeal court may, subject to such conditions as may be prescribed, substitute for the illegal punishment such new punishment as it considers appropriate.

#### **101. Mitigation of punishments, etc.**

The court-martial appeal court may, subject to such conditions as may be prescribed, mitigate, commute or remit any or all of the punishment included in a sentence passed by a military court.

#### **102. Effect of new punishment**

- (1) Where under the authority of this Act, a new punishment, by reason of substitution or commutation, replaces a punishment imposed by a military court, the new punishment shall have force and effect as if it had been imposed by the military court in the first instance, and, accordingly, this Act shall apply.
- (2) Where a new punishment involves imprisonment, the term of the new punishment shall be reckoned from the date of substitution or commutation, as the case may be.

#### **103. Saving provision**

Nothing in the preceding provisions of this Part of this Act shall be in derogation of the powers conferred under this Act to quash findings or alter findings and sentences.

#### **104. Army Fund**

- (1) There is established a fund to be known as the Army Fund.
- (2) All fines imposed for any offence under this Act, gifts, donations and proceeds of sale of farm produce shall be paid to the Army Fund.

### **Part V – General**

#### **105. Regulations**

- (1) The Minister after consultation with the Uganda Peoples' Defence Forces Council may, by statutory instrument, make such regulations as may be necessary or convenient for ensuring discipline and good administration of the army and generally for better carrying out this Act.
- (2) Without prejudice to the generality of subsection (1), the Minister, after consultation with the Uganda Peoples' Defence Forces Council, may make regulations in respect of the following matters –
  - (a) such matters as are required under this Act to be prescribed or are authorised or required under this Act to be made by regulations;
  - (b) the quality, issue and disposal of any property for the army and the application of the proceeds, if any, of that disposal;

- (c) the ranks of officers and militants of the army, the numbers in each rank and the use of uniforms by the officers and militants;
- (d) conditions of service, including conditions of service relating to enrolment and to the pay, pensions, gratuities and other allowances of officers and militants of each force and deduction therefrom;
- (e) the secondment, transfer, discharge, and promotion of officers and militants of each force;
- (f) the authority and powers of command of officers and militants of each force;
- (g) the procedure for obtaining redress of grievances in the case of officers and militants of each force;
- (h) the liability of officers and militants of each force for loss or damage of property of the force;
- (i) the collection, administration and distribution of the service estates of officers and militants of each force and the disposal of the personal effects of absented officers and militant of the force;
- (j) the application to civilian persons either wholly or partly of this Act, subject to such modifications as may be specified in the regulations;
- (k) the prohibition or control of dangerous flying;
- (l) the vaccination and inoculation of officers and militants of each force and the provision of other immunization procedures for those officers and militants;
- (m) the control of the handling of dangerous substances by officers and militants of the army;
- (n) the conditions subject to which certain punishments may be imposed;
- (o) the appointment of persons additional to those specified in this Act with powers of arrest and the conditions subject to which the appointment is made and the powers are conferred;
- (p) the custody of officers and militants arrested or sentenced and the duties of the persons in whose charge those officers and militants have been placed;
- (q) the date of the commencement of terms of imprisonment under this Act and the periods to be left out or taken into account in the computation of the terms;
- (r) the fees to be charged for any service performed by any person for the purposes of this Act;
- (s) the arrest and custody of deserters and persons absent without leave and any matter connected with or incidental to that arrest and custody;
- (t) the procedure to be observed in proceedings before military courts, the summons and examination of witnesses other than persons subject to military law, the production of documents by such witnesses and the payment of remuneration to those witnesses; and
- (u) the execution of officers and militants sentenced to death.

#### **106. Continuance of existing forces**

The Armed Forces of Uganda in existence immediately before the date of the commencement of this Act shall be deemed, on and after that date, to be included in the Uganda Peoples' Defence Forces raised and maintained under this Act.

#### **107. Application of Act to juvenile militants**

The provisions of this Act shall as far as may be practicable, and subject to such modifications as may be prescribed, apply to juvenile militants in like manner as those provisions apply to militants.

## 108. Application of Act to women

The provisions of this Act shall apply to women members of the army as far as may be practicable subject to such modifications as may be necessary.

### Schedule (s. 14)

#### Code of conduct for the army

##### 1. Helping members of the public

A member of the army shall—

- (a) offer help to members of the public when he finds them engaged in productive work, provided he has time;
- (b) offer medical treatment to members of the public who are in the territory of his unit;
- (c) offer any other form of assistance to members of the public.

##### 2. Relationship with the public

A member of the army shall not—

- (a) abuse, insult, shout at, beat or in any way annoy any member of the public;
- (b) steal any property or obtain goods by false pretences;
- (c) take anything from a person without paying for it;
- (d) retain anything he borrows from any member of the public;
- (e) develop any illegitimate or irresponsible relationship with women;
- (f) consume alcohol in a public drinking place while he is on duty or in uniform or in possession of a weapon;
- (g) take drugs or be found in possession of drugs;
- (h) kill any person;
- (i) trespass on any person's property;
- (j) make public statements to journalists without proper authorisation;
- (k) attend diplomatic parties or deal with a foreign mission without proper authorisation;
- (l) give public speeches or broadcast public statements without permission from the appropriate authorities.

##### 3. Higher and lower ranks of the army

The lower ranks of the army shall obey the higher ranks, and the higher ranks shall respect the lower ranks.

#### 4. Administration of army units

In the administration of any army unit, democratic centralism, participation and central control shall be followed; and without limiting the generality of the foregoing methods, the following methods shall be used—

- (a) holding regular meetings at which officers and men can air their views and grievances;
- (b) allowing open criticism of mistakes so as to avoid subterranean grumbling;
- (c) different mistakes or errors should be treated differently depending on the cause of the mistake or error.

#### 5. Tendencies injurious to the cohesion of the army

The following tendencies are injurious to the cohesion of the army and are prohibited—

- (a) quest for cheap popularity on the part of officers or militants by tolerating wrongs in order to be popular with soldiers;
- (b) liberalism whereby the person in authority knows what is right and what is wrong, but due to weak leadership, he does not stand firmly on the side of right;
- (c) intrigue and double-talk;
- (d) tribalism, nepotism or any other form of sectarianism;
- (e) formation of cliques in the army;
- (f) any form of corruption.

#### 6. Education in the army

- (1) Political education shall be mandatory so that officers and militants can understand the reasons for the struggle as well as the dynamics of the world, taking into consideration the fact that conscious discipline is better than mechanical discipline.
- (2) Every officer or militant shall strive to master military science in order to gain capability, so that the army is in a position to defend the people more effectively.
- (3) All commanders shall ensure that all soldiers depending on particular circumstances shall at any one time either be fighting, studying military science, improving their academic work, taking part in recreational activities, engaged in productive work or resting so that there is no idleness which breeds mischief.