

# **The Law Revision (Penalties in Criminal Matters) Miscellaneous Amendments Bill**

Proposed provisions for amendment

# Object of the Bill

- The object of this Bill is to amend –
  - the Penal Code Act, Chapter 120 of the Laws of Uganda;
  - the Anti Terrorism Act, 2002 (Act No. 14 of 2002) ;
  - the Uganda Peoples Defence Forces Act, 2005 (Act No. 7 of 2005); and
  - the Trial on Indictments Act, Cap 23.
- The Bill seeks to amend these laws in order:
  - to remove the mandatory death penalty prescribed by these laws;
  - to restrict the death penalty to certain specified serious crimes by converting other provisions prescribing a death penalty in these enactments into imprisonment for life
  - to remove the restriction on mitigation in the case of convictions that carry a death penalty.

# Proposed reforms

Law	offence	Existing penalty	Proposed penalty
Penal Code Act	Treason –section 23 (1),(2) and (3)	Mandatory death (shall suffer death)	Discretionary death (is liable to suffer death)
PCA	Attempt to seduce a member of UPDF, police or prisons to from duty- section 23 (4)	Discretionary death	Imprisonment for life
PCA	Rape – section 123 and 124	Discretionary death	Life imprisonment
PCA	Aggravated defilement- section 129(3)	Discretionary death	Life imprisonment

# Reforms contd

Law	offence	Existing penalty	Proposed penalty
Penal Code Act	Unlawful sexual intercourse with detained person- section 134(5)	Discretionary death	Life imprisonment
PCA	Murder –section 188, 189	Mandatory death	Discretionary death
PCA	Kidnapping with intent to murder- section 243(1)	Mandatory death	Discretionary death
PCA	Aggravated robbery- section 286 (2)	Discretionary death (amended in 2007 from mandatory death)	Life imprisonment
PCA	Smuggling with deadly weapon- section 319 (2)	Mandatory death	Life imprisonment

# Anti- Terrorism Act

Law	offence	Existing penalty	Proposed penalty
Act 14 of 2002	Terrorism resulting in death -Section 7 (1) (a)	Mandatory death penalty	Discretionary death penalty
Act 14 of 2002	Terrorism not resulting in death- section 7 (1) (b)	Discretionary death	Life imprisonment
Act 14 of 2002	Aiding and abetting terrorism- section 8	Discretionary death	Life imprisonment
Act 14 of 2002	Establishing or supporting terrorist institutions, promoting terrorism- section 9	Discretionary death	Life imprisonment

# UPDF ACT

Law	Offence	Existing penalty	Proposed penalty
Act 7 of 2005	Cowardice in action resulting in failure of operation or loss of life s. 120(1)	Mandatory death penalty	Discretionary death penalty
Act 7 of 2005	Breaching concealment in operation s. 121 (1)	Mandatory death penalty	Discretionary death penalty
Act 7 of 2005	Failure to protect war materials, misusing or selling s. 122(1)	Discretionary death penalty	Life imprisonment
Act 7 of 2005	Failure to brief s. 123 (1)	Mandatory death penalty	Discretionary death penalty
Act 7 of 2005	Offences relating to prisoners of war. S. 127	Discretionary death penalty	Life imprisonment

# UPDF ACT continued

Law	Offence	Existing penalty	Proposed penalty
Act 7 of 2005	Offences b a person in command when in action s. 128	Mandatory death penalty	Discretionary death penalty
Act 7 of 2005	Treachery s. 129	Discretionary death penalty	Life imprisonment
Act 7 of 2005	Offences relating to security s. 130(1)	Discretionary death penalty	Life imprisonment
Act 7 of 2005	Mutiny s. 132 (1)	Mandatory death penalty	Discretionary death penalty
Act 7 of 2005	Disobeying lawful orders s.133(1)	Mandatory death penalty	Discretionary death penalty

# UPDF Act continued

Law	Offence	Existing penalty	Proposed penalty
Act 7 of 2005	Failure to execute one's duties s. 134 (1)	Mandatory death penalty	Discretionary death penalty
Act 7 of 2005	Spreading harmful propaganda s.137 (1)	Mandatory death penalty	Discretionary death penalty
Act 7 of 2005	Desertion s.146(1)	Mandatory death penalty	Discretionary death penalty
Act 7 of 2005	Offences relating to convoys s.150	Discretionary death penalty	Life imprisonment
Act 7 of 2005	Losing, stranding or hazarding vessels or aircraft s. 151	Discretionary death penalty	Life imprisonment
Act 7 of 2005	Wrongful acts in relation to aircrafts s. 152	Discretionary death penalty	Life imprisonment
Act 7 of 2005	Attempt to hijack aircraft, vessels etc s.153	Discretionary death penalty	Life imprisonment