



THE GENEVA CONVENTIONS ACT, 1964.

AN ACT to enable effect to be given to certain international conventions done at Geneva on the twelfth day of August, one thousand nine hundred and forty-nine and for purposes connected therewith.

DATE OF ASSENT: 3rd October, 1964.

Date of Commencement : 16th October, 1964.

WHEREAS with the accession of Uganda to the Conventions set out in the Schedules to this Act it is expedient to make certain amendments in the law:

BE IT ENACTED by the President and the National Assembly, in this present Parliament assembled, as follows:—

Grave
breach of
Conventions.

1. (1) Any person, whatever his nationality, who, whether within or without Uganda commits or aids, abets or procures the commission by any other person of any grave breach of any of the Conventions as is referred to in the following articles respectively of those Conventions, that is to say,

*First
Schedule.*

(a) article 50 of the Convention set out in the First Schedule to this Act,

*Second
Schedule.*

(b) article 51 of the Convention set out in the Second Schedule to this Act,

(c) article 130 of the Convention set out in the Third Schedule to this Act, *Third Schedule.*

(d) article 147 of the Convention set out in the Fourth Schedule to this Act, *Fourth Schedule.*

commits an offence and on conviction thereof,

(i) in the case of a grave breach involving the wilful killing of the person protected by the Convention in question shall be sentenced to imprisonment for life;

(ii) in the case of any other grave breach shall be liable to imprisonment for a term not exceeding fourteen years.

(2) Where an offence under this section is committed without Uganda a person may be proceeded against, indicted, tried and punished therefor in any place in Uganda as if the offence had been committed in that place, and the offence shall, for all purposes incidental to or consequential on the trial or punishment thereof, be deemed to have been committed in that place.

(3) Proceedings for an offence under this section shall not be instituted except by or on behalf of the Director of Public Prosecutions.

(4) Whenever in any proceedings under this section in respect of a grave breach of any of the Conventions any question arises under Article 2 of that Convention, that question shall be determined by the Minister and a certificate purporting to set out such determination and to be signed by or on behalf of the Minister shall be received in evidence and be deemed to be so signed without further proof, unless the contrary is shown.

(5) Any enactment relating to the trial by court-martial of persons who commit civil offences shall have effect for the purposes of the jurisdiction of courts-martial convened in Uganda as if this section had not been passed.

2. (1) The court before which,

(a) a protected prisoner of war is brought up for trial for an offence, or

(b) a protected internee is brought up for trial or an offence for which that court has power to sentence him to death or to imprisonment for a term of two years or more,

Notice of trial of protected persons.

shall not proceed with the trial unless it is proved to the satisfaction of the court that a notice containing the particulars mentioned in the next following subsection, so far as they are known to the prosecutor, has been served not less than three weeks previously on the protecting

power and, if the accused is a protected prisoner of war, on the accused and the prisoner's representative.

(2) The particulars referred to in the preceding subsection are

- (a) the full name and description of the accused, including the date of his birth and his profession or trade, if any, and if the accused is a protected prisoner of war, his rank and army, regimental, personal or serial number;
- (b) his place of detention, internment or residence;
- (c) the offence with which he is charged; and
- (d) the court before which the trial is to take place and the time and place appointed for the trial.

(3) For the purposes of this section a document purporting,

- (a) to be signed on behalf of the protecting power or by the prisoner's representative or by the person accused, as the case may be, and,
- (b) to be an acknowledgment of the receipt by that power, representative or person on a specified day of a notice described therein as a notice under this section,

shall, unless the contrary is shown, be sufficient evidence that the notice required by subsection (1) of this section was served on that power, representative or person on that day.

(4) Any court which adjourns a trial for the purpose of enabling the requirements of this section to be complied with may, notwithstanding anything in any other enactment, remand the accused for the period of the adjournment.

Legal
representa-
tion of
certain
persons.

3. (1) The court before which,

- (a) any person is brought up for trial of an offence under section 1 of this Act, or
- (b) a protected prisoner of war is brought up for trial for any offence,

shall not proceed with the trial, unless,

- (i) the accused is represented by an advocate, and
- (ii) it is proved to the satisfaction of the court that a period of not less than fourteen days has elapsed since instructions for the representation of the accused at the trial were first given to the advocate,

and if the court adjourns the trial for the purpose of enabling the requirements of this subsection to be complied with, then, notwithstanding anything in any other enactment, the court may remand the accused for the period of the adjournment.

(2) Where the accused is a protected prisoner of war, in the absence of an advocate accepted by the accused as representing him, an advocate instructed for the purpose on behalf of the protecting power shall, without prejudice to the requirements of paragraph (ii) of the preceding subsection, be regarded for the purposes of that subsection as representing the accused.

(3) Where the court adjourns the trial in pursuance of subsection (1) of this section by reason that the accused is not represented by an advocate the court shall direct that an advocate be assigned to watch over the interests of the accused at any further proceedings in connection with the offence.

(4) At any such further proceedings, in the absence of an advocate, either accepted by the accused as representing him or instructed as mentioned in subsection (2) of this section, an advocate assigned in pursuance of the immediately preceding subsection shall, without prejudice to the requirements of paragraph (ii) of subsection (1) of this section, be regarded for the purposes of that subsection as representing the accused.

(5) An advocate shall be assigned in pursuance of subsection (3) of this section in such manner as the Minister may, by statutory instrument, prescribe and any advocate so assigned shall be entitled to be paid by the Minister out of moneys provided by Parliament, such sums in respect of fees and disbursements as the Minister may direct.

4. Where a protected prisoner of war or a protected internee has been sentenced to death or to imprisonment for a term of two years or more, the time within which he may give notice of appeal or notice of his application for leave to appeal to the High Court of Uganda or the Court of Appeal for Eastern Africa, as the case may be, shall, notwithstanding anything contained in any enactment relating to such appeals, be the period from the date of his conviction or in the case of an appeal against sentence, of his sentence to the expiration of ten days after the date on which he receives a notice given,

(a) in the case of a protected prisoner of war by an officer of the Armed Forces,

(b) in the case of a protected internee, by or on behalf of the superintendent of the prison in which he is confined,

that the protecting power has been notified of his conviction and sentence.

5. (1) It shall be lawful for the Minister in any case in which a protected prisoner of war or a protected internee is convicted of an offence and sentenced to a term of imprisonment, to direct that there shall be deducted from that term a period not exceeding the period,

Appeal by protected persons.

Reduction of sentence and custody of protected persons.

if any, during which that person was in custody in connection with that offence, either on remand or after committal for trial, including the period of the trial, before the sentence began or is deemed to have begun, to run.

(2) It shall be lawful for the Minister in a case where he is satisfied that a protected prisoner of war accused of an offence has been in custody in connection with that offence, either on remand or after committal for trial, including the period of trial, for an aggregate period of not less than three months, to direct that the prisoner shall be transferred from that custody to the custody of an officer of the Armed Forces and thereafter remain in military custody at a camp or place in which protected prisoners of war are detained and be brought before the court at the time appointed by the remand or committal order.

Inter-
pretation.

No. 19
of 1956.

6. In this Act unless the context otherwise requires,

“advocate” means a person enrolled to practise as an advocate under the Advocates Ordinance, 1956;

“Conventions” means the Conventions set out in the Schedules to this Act;

“court” does not include a court-martial;

“Minister” means the Minister to whom functions under this Act are assigned;

“prisoner’s representative” means, in relation to a protected prisoner of war at a particular time, the person by whom the functions of prisoner’s representative within the meaning of Article 79 of the Convention set out in the Third Schedule to this Act were exercisable in relation to that prisoner at the camp or place at which the prisoner was, at or last before that time, detained as a protected prisoner of war;

“protected internee” means a person protected by the Convention set out in the Fourth Schedule to this Act and interned in Uganda;

“protected prisoner of war” means a person protected by the Convention set out in the Third Schedule to this Act;

“protecting power” means, in relation to a protected prisoner of war or a protected internee, the power or organisation which is carrying out, in the interests of the power of which he is a national, or of whose forces he is, or was at any material time, a member, the duties assigned to the protecting power under the Convention set out in the Third Schedule, or, as the case may be, in the Fourth Schedule to this Act.

Third
Schedule.

Fourth
Schedule.

Third
Schedule.

Third
Schedule.
Fourth
Schedule.

7. (1) The Geneva Convention Act, 1911, the Geneva Convention Act, 1937, and the Geneva Conventions Act, 1957, of the United Kingdom in so far as they form part of the law of Uganda are hereby repealed. Repeals.

(2) Subsections (4) and (5) of section 326 of the Criminal Procedure Code are hereby repealed. Cap. 24.

SCHEDULES.

FIRST SCHEDULE.

s. 1.

GENEVA CONVENTION FOR THE AMELIORATION OF THE CONDITION OF THE WOUNDED AND SICK IN ARMED FORCES IN THE FIELD OF AUGUST 12, 1949.

CHAPTER I.

GENERAL PROVISIONS.

Article 1.

The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances. Respect for
the Con-
vention.

Article 2.

In addition to the provisions which shall be implemented in peacetime, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them. Application
of the
Convention.

The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.

Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.

Article 3.

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions: Conflicts
not of an
international
character.

- (1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.