



PARLIAMENT OF UGANDA

**REPORT OF THE JOINT COMMITTEE ON DEFENCE AND INTERNAL
AFFAIRS AND LEGAL AND PARLIAMENTARY AFFAIRS ON THE UGANDA
PEOPLES' DEFENCE FORCES (AMENDMENT) BILL, 2025**

Office of the Clerk to Parliament
P.O.Box 7178, Kampala
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AG	Attorney General
DPP	Director of Public Prosecutions
MCD	Military Courts Department
MoDVA	Ministry of Defence and Veteran Affairs
NRA	National Resistance Army
RIF	Reduction in force
SFC	Special Forces Command
UPDF	Uganda Peoples' Defence Forces

DPP **Director of Public Prosecutions**

MCD Military Courts Department

MoDVA Ministry of Defence and Veteran Affairs

NRA **National Resistance Army**

RIF **Reduction in force**

SFC Special Forces Command

UPDF **Uganda Peoples' Defence Forces**

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1 INTRODUCTION

On Tuesday, 13th May 2024, the **Uganda Peoples' Defence Forces (Amendment) Bill, 2025** was read for the first time and referred to the Joint Committee on Defence and Internal Affairs and the Committee on Legal and Parliamentary Affairs (hereafter referred to as the Committee) for scrutiny and report back under Rules 135(1) and 200 of the Rules of Procedure of Parliament.

The Committee has considered the Bill in consultation with various stakeholders and now reports.

2 POLICY AND PRINCIPLES OF THE BILL

The Bill streamlines the composition of the Defence Forces and establishes a Healthcare Service for members. It creates a Medical Board, defines service offences, military courts, and Reserve Force, while restructuring courts martial per Article 129 (1)(d) of the Constitution. Proposed are qualifications for Chairpersons of courts martial to ensure independence and allow for appeals. It specifies the circumstances under which civilians may be subject to military law and outlines the offences tried under courts-martial. Additionally, it establishes a Military Courts Department, a disciplinary unit for enforcing discipline within the military court system, prescribes Defence Forces-exclusive arms and ammunition, manages veteran affairs, and repeals the Uganda Veterans Assistance Board Act, Cap. 221 and related matters.

3 DEFECTS IN THE EXISTING LAW

The Uganda Peoples' Defence Forces (Amendment) Bill, 2025, amends the Uganda Peoples' Defence Forces Act, Cap. 330. This Act, enacted in 2005, regulates the Uganda Peoples' Defence Forces as provided under Article 210 of the Constitution, replacing the Armed Forces Pensions Act, Cap. 295 and the Uganda Peoples' Defence Forces Act, Cap. 307. Notably, the Defence sector has undergone significant transformation since 2005.

driven by emerging threats and opportunities, many of which the Act does not adequately address.

The Act did not include healthcare for officers and militants, management of military veterans, pensions management, or service medals conferred by the Defence Forces. Since 2005, the UPDF's administrative structure has changed significantly, with the Special Force Command (SFC) and Reserve Force elevated to independent services. The Uganda Peoples Defence Forces (Amendment) bill, 2025 reflects this evolution. Additionally, the Bill seeks to align the Act with the Supreme Court decision in ***Constitutional Appeal No. 2 of 2021, Attorney General Vs Hon. Micheal A. Kabaziguruka***.

4 OBJECT OF THE BILL

The Bill seeks to:

- i. Amend the Uganda Peoples' Defence Forces Act, Cap. 330 to streamline the composition of the organs and structures of the Defence Forces;
- ii. Establish a health care service for members of the Defence Forces;
- iii. Establish a medical board;
- iv. Provide for the definition of service offence, courts martial, military court and Reserve Force;
- v. Provide for the restructuring and re-establishment of the courts martial in the Defence Forces in accordance with Article 129(1)(d) of the Constitution and to prescribe their jurisdiction;
- vi. Provide for the membership and the qualifications of the Chairpersons and the courts martial and for the independence of the courts martial;
- vii. Provide for appeals from the courts martial;
- viii. Provide for the exceptional circumstances under which civilians may be subject to military law and to prescribe the offences for which civilians may be tried by the courts martial;

- ix. Provide for the establishment of a Military Courts Department within the Defence Forces;
- x. Provide for the establishment of a disciplinary unit within the Defence Forces, which shall be responsible for the discipline of the members of the Military Courts Department;
- xi. Prescribe the arms and ammunition which are the monopoly of the Defence Forces and the classified stores of the Defence Forces;
- xii. Provide for the management of veteran affairs;
- xiii. To repeal the Uganda Veterans Assistance Board Act, Cap. 221 and for related matters.

5 METHODOLOGY

The Committee met with and received written memoranda from the following:

- i. Ministry of Defence and Veteran Affairs (MoDVA)
- ii. The Attorney General (AG)
- iii. The Office of the Director of Public Prosecutions (DPP)
- iv. Jude Byamukama (Advocate of the High Court)
- v. Kampala Reduction In Force UPDF Veterans

5.1 Document Review

The Committee referred to the following documents.

- i. The Constitution of the Republic of Uganda, 1995
- ii. The Uganda Peoples Defence Forces Act, Cap.330
- iii. Pension Act, Cap.89
- iv. Succession Act, Cap. 268
- v. Uganda Veterans Assistance Board Act, Cap. 221
- vi. The Human Rights Enforcement Act, Cap. 12

6 SALIENT OBSERVATIONS ON THE BILL

6.1 Military Justice and Legal Framework of the Courts Martial.

The Committee recognises that one of the objectives of the Bill is to implement the Supreme Court's declarations in **Attorney General Vs**

Hon. Michael A. Kabaziguruka, Constitutional Appeal No. 02 of 2021, delivered on 31st January 2025. The Committee has reviewed the Bill's proposals on military justice and the Courts Martial framework. The findings reveal concerns about compliance with constitutional principles, judicial independence, and the administration of military justice.

6.1.1 Trial of civilians under military Law.

Clauses 29 and 30 of the Bill address individuals under military law and the court-martialing of civilians. Clause 29 revises section 117 of the principal Act to clarify who falls under military law. The amended section 117 stipulates that all Defence Forces members are governed by military law. Meanwhile, Clause 30 introduces a new section, 117A, detailing additional individuals who may be governed by military law. This section specifies that persons not part of the Defence Forces may be subjected to military law under exceptional conditions.

From the above, the provision indicates two categories of individuals under military law: a member of the Defence Forces and a civilian involved in activities outlined in section 117A.

The Committee notes that the amendments in clauses 29 and 30 of the Bill seek to bring the principal Act into accordance with the court's ruling in Constitutional Appeal No.2 of 2021: AG Vs Hon. Micheal A. Kabaziguruka, which included several observations, recommendations, and orders regarding individuals governed by military law.

Following consultations with various stakeholders on the Bill, the Committee encountered diverse opinions on the Supreme Court's orders, effects, and recommendations regarding civilians under military law. Some witnesses objected to trying civilians in military courts, arguing that the Supreme Court's interpretation prohibits such actions. In contrast, other Committee members and stakeholders, including the

Attorney General and the Minister of Defence, contend that the Supreme Court did not fully ban civilian trials in military courts, suggesting instead that such trials could occur under exceptional circumstances.

The Committee has examined this matter and concludes that the trial of civilians by military courts should occur only in exceptional circumstances, ensuring that a fair trial is guaranteed.

The Committee acknowledges that military laws apply to officers and personnel within the defence forces, but they also address elements of national security. As a result, civilians can engage in actions that usually impact national security, which are typically reserved for those under military law. The reasoning for establishing offences in the UPDF Act that hold civilians criminally liable is to safeguard national security.

The Committee reviewed the exceptional circumstances outlined in the Bill and determined that certain aspects require revision to align with the legality principle. Specifically, the Committee identifies that paragraph (d), which allows trial of civilians in military courts for aiding and abetting individuals subject to military law in committing serious crimes such as murder, aggravated robbery, intent to murder, kidnapping, treason, misprision of treason, or cattle rustling, needs adjustment since it fails to specify the elements of these offences. This omission compromises the legality principle defined in Article 28 (12) of the Constitution. Furthermore, the Committee observes that while civilians are penalised for aiding and abetting these crimes, the primary offenders face no penalties.

The Committee supports the proposal for trying civilians in exceptional circumstances, provided that amendments to the UPDF Act ensure a fair trial. This requires changes to the military courts' structure to ensure that those presiding over these trials have legal training, are

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appointed through a transparent process, and function independently of their superiors' influence.

The Committee recommends that Clauses 29 and 30 form part of the Bill, albeit with the amendments as proposed.

6.1.2 Restructuring of the courts martial in alignment with the Constitution (Article 129(1)(d)).

The proposed restructuring of military courts, as outlined in the Bill, aims to align the Unit Court Martial, Division Court Martial, and General Court Martial (GCM) with the Constitution under Article 129(1)(d). It introduces provisions on qualifications, appointments, tenure, and jurisdiction for service offences. Additionally, the Bill establishes a Military Courts Department (MCD) to oversee justice administration within the Defence Forces.

However, the Committee noted that the roles and functions of the MCD department are vague, leaving gaps in oversight and accountability. Intended to oversee military courts, the structure risks undermining judicial independence. The MCD includes the head of the General Court Martial as chair, along with military prosecutors, defence counsel, and chairpersons of military courts. This overlap of judicial and prosecutorial roles is seen as a violation of natural justice principles. It threatens the right to a fair hearing by compromising the impartiality of the courts.

Additionally, a key concern arises from the provision allowing the Chief of Defence Forces (CDF), in consultation with the High Command, to assign an acting rank to the Head of the GCM when the accused has a higher rank. While intended to maintain order, this mechanism may introduce bureaucratic delays and allow manipulation of the justice process. For instance, the CDF could delay rank assignment, impeding the prosecution of senior officers. The temporary rank, with its

associated privileges, may also incentivise judicial officers to prolong proceedings to retain benefits, compromising timely and impartial justice.

The Committee recommends that the proposals contained in the Bill regarding the composition and structure of the military courts should be supported albeit with amendment to engender fair trial provisions as proposed in the Committee amendments.

6.1.3 Appointment of Presiding Officers and Members of Courts Martial

The Committee notes that the Supreme Court emphasized that military courts, despite being specialized, exercise judicial power and must therefore uphold the same safeguards of independence and impartiality guaranteed under Article 128 of the Constitution.

While the Bill amends qualifications by requiring legal training for presiding officers, the Committee expressed significant concern over the appointment process. Currently, all members are appointed by the High Command from a list it generates in consultation with the Judicial Service Commission (JSC). This system grants the High Command broad powers to appoint members for specific trials, raising serious doubts about the members' independence and vulnerability to external influence. The idea of consulting the JSC does not explicitly define the role of the JSC in the process of appointment. The Committee argues that the JSC should be given a stronger role to vet presiding officers who wield judicial power. The Committee contends that military Courts must be governed by the judicial oath and legal principles.

The Committee recommends that persons presiding over military courts should be appointed by the Commander in Chief on the recommendation of the Judicial Service Commission from the list generated by the High Command.

6.2 Tenure of service.

The Bill allows a three-year renewable tenure for chairpersons of Courts Martial but is silent on the terms for other members. The Committee noted that secure tenure is vital for judicial independence, safeguarding judicial officers from arbitrary removal or political pressure. A three-year term is inadequate, and unclear removal grounds for members create insecurity, risking impartiality.

Citing Justice **Asaph Ruhindi Ntengye & Anor v AG (Constitutional Petition No. 33 of 2016)**, which declared fixed-term contracts for judges unconstitutional, the Committee advocates extending tenure to five years for all members and defining grounds for removal to protect judicial independence.

The Committee recommends that;

- i. **The term of all members be increased from 3 years to five years and is eligible for reappointment;**
- ii. **The term should apply to all members of the Courts Martial and not limited to the Chairperson as proposed in the Bill;**

6.3 Appeals from Decisions of Courts Martial

The Bill permits appeals from Unit Court Martial to the Division Courts Martial to the General Court Martial (GCM), and from the GCM to the Court of Appeal, with the Supreme Court as the final appellate court.

The Attorney General explained that since the High Court lacks appellate jurisdiction over capital offences, appeals for such cases must lay directly to the Court of Appeal. The Committee agreed with this reasoning but raised concerns about the practicality of requiring officers and soldiers in remote areas to travel to Kampala for GCM appeals. This could be costly and hinder access to justice. Additionally, the right to appeal where the aggrieved party is dissatisfied with a Unit Court Martial decision has only the right two appeals, while a Division

Court Martial decision can be appealed to the Supreme Court—were viewed as unfair.

The Bill restricts appeals on legal matters, making decisions of the Chairperson of Unit and Division Courts Martial final. The Committee deems this untenable as it prevents parties from challenging potentially erroneous legal decisions, risking miscarriages of justice.

The Bill's clauses on the appeal and enforcement of sentences, particularly regarding the death penalty, were also problematic. The phrase "notice of intention to appeal" differs from a formal notice of appeal, creating ambiguity and the risk that death sentences could be executed before appeals are determined, violating Article 22(1) of the Constitution. This article guarantees that no person shall be deprived of life except after a fair trial and confirmation by the highest appellate court.

The Committee recommends that;

- i. **Appeals from Unit Court Martials should lay with the Division Court Martial;**
- ii. **The decisions of a Unit or Division Court Martial on matters of law and facts should be open to challenge.**
- iii. **Appeals from decisions of the General Court Martial should lay with the Court of Appeal as proposed in the Bill.**
- iv. **The proposed section 227 (2) should be deleted and section 227 (3) be Aligned with the provision of Article 22(1) of the constitution**

6.4 Structural re-organisation of the Defence Forces

The Committee acknowledges the vital role the Uganda People's Defence Forces (UPDF) have played in upholding national security and preserving and defending the sovereignty and territorial integrity of Uganda. In light

of evolving security threats and expanding military responsibilities, there is a critical need to realign the UPDF's structure.

Structural reform is based on Uganda's legal framework; specifically, Article 210 of the Constitution empowers Parliament to make laws regulating the Uganda Peoples' Defence Forces and in particular provide for the organs and structures of the Uganda Peoples Defence Forces. Section 2 of the UPDF Act, Cap.330 provides for the mandate of Parliament to make laws to prescribe any other services besides the land and air Forces. At present, these two branches are central to the military operations of the UPDF, which also receives assistance from the Reserve Force during emergencies.

A significant advancement has been the emergence of the Special Forces Command (SFC), a specialised elite unit tasked with carrying out specialised missions or operations at a moment's notice, Very Important Persons (VIP) protection, and reconnaissance. While it is not legally provided for as a distinct service, the SFC holds a crucial position in linking conventional and special operations, collaborating closely with both the land forces and air forces.

The Committee notes that the Bill restructures the UPDF by creating new services such as the SFC and Reserve Force, to improve operational capacity and responsiveness. New organs such as the Joint Military Command and Service Command and Staff Committees are being established to enhance coordination, policy formulation, and strategic oversight. This re-organisation also includes renaming and redefining roles in the command structure for clarity, efficiency, and alignment with current security needs.

The Committee recommends that proposal to restructure the UPDF to formally integrate specialised units, such as the SFC, as distinct service branches should be supported to institutionalise

specialised capabilities, enhance inter-service coordination, and ensure compliance with legal and oversight requirements.

6.5 Veteran Affairs and Pension Reforms

The Committee notes that the Bill proposes transferring administration and management of the pension and gratuity from the Ministry of Public Service to the Ministry of Defence and Veteran Affairs, aiming to enhance service delivery and more effectively meet the needs of military personnel.

A key aspect of this reform is the establishment of a Pensions Appeals Board to provide a formal mechanism for addressing grievances and disputes related to pension matters. Additionally, the repeal of the Uganda Veterans Assistance Board Act (Cap. 221) signifies a shift towards a more integrated and updated legal framework. These reforms also introduce comprehensive provisions for retirement benefits, gratuity, and pensions, including entitlements related to death in service and disability, ensuring improved welfare and dignity for serving personnel and veterans alike.

The Kampala RIF UPDF veterans informed the Committee that although they voluntarily enlisted in the National Resistance Army struggle, which ultimately resulted in a change of government, they continued to serve in the NRA/UPDF until their discharge, which occurred without a proper and formal dismissal.

The Committee notes that the UPDF has transformed since the 1990s, following significant military downsizing after achieving stability post-internal conflicts. This began demobilisation efforts and restructuring of the UPDF alongside pension reforms for veterans. The reduction in force (RIF) affected thousands of personnel, especially older veterans and non-combatants¹, aimed at enhancing security and lowering public spending.

¹Mubiru, John-Bosco & Bukuluki, Paul. (2014). THE STATUS OF SOCIAL SECURITY SYSTEMS IN UGANDA: CHALLENGES AND OPPORTUNITIES. 10.13140/RG.2.1.4225.7764.

However, systemic issues in the pension system emerged, as many veterans faced unclear entitlements, delays, and bureaucratic hurdles in obtaining benefits². Scholars such as Obore (2006) highlight that while legislation aimed to guarantee pension rights, many veterans remain unrecognised due to inadequate documentation or unclear classifications (e.g., informal service or volunteerism not recognised as pensionable).

Thus, the Committee believes that while the Bill will strengthen pension and gratuity administration for UPDF veterans, actual realisation of rights remains uneven for demobilised veterans. Additionally, the Bill currently excludes individuals or militants who retired before its enactment, which lacks a commencement date. Its provisions have no retrospective effect and do not address retired officers and militants.

Recommendations.

- 1. The decentralisation of the Pension Authority to the Ministry of Defence and Veteran Affairs, as proposed in the Bill, should be adopted to enhance efficiency, transparency, and responsiveness in addressing pension-related issues for military personnel and veterans alike.***

6.6 Welfare and Health Services

The Committee observes that the Bill proposes establishing a Health Care Service for Defence Forces Personnel. Creating a dedicated Health Care Service for military personnel introduces extensive healthcare system, including routine medical care, medical care for dependants of officers and militants, rehabilitation services, and access to specialised treatments abroad when necessary. Additionally, a Defence Forces

² William, M. (2020). Symbolic Post-Conflict Recovery in the Rwenzori Sub-Region of Uganda. Journal of Asian and African Studies, 55(5), 699-715. <https://doi.org/10.1177/0021909619888766> (Original work published 2020)

Medical Board has been established to manage medical evaluations, conduct disability assessments, and approve treatment for officers and militants. These reforms are designed to ensure that all military personnel receive timely, effective, and specialised healthcare during their service and after their service.

The Committee opines that a dedicated Health Care Service for defence personnel, separate from civilians, addresses the unique nature of military service requiring specialised, timely, and continuous medical support tailored to the risks faced by Defence Forces. Military personnel often need rapid access to trauma care, rehabilitation for service-related injuries, and treatment for psychological conditions from combat or deployment. The Defence Forces Medical Board will ensure medical evaluations, disability assessments, and treatment decisions aligned with military standards and readiness, which civilian healthcare may not adequately address.

Recommendations.

- i. The establishment and operationalisation of a dedicated Health Care Service for defence personnel, as proposed in the Bill, be fully supported and adequately resourced to ensure the delivery of specialised, timely, and mission-specific medical care, addressing the unique medical, psychological, and rehabilitative needs of military personnel.**

6.7 Monopoly and Security Classification

The Bill introduces measures to strengthen monopoly and security classification concerning crucial military assets for the UPDF. It specifically outlines which arms and ammunition are solely under the control of the Defence Forces, guaranteeing that these materials remain inaccessible to unauthorised parties. Additionally, the identification and safeguarding of classified equipment and materials will now be regarded

as sensitive to national security and will be strictly regulated according to military protocols. These reforms aim to bolster national security, prevent unauthorised access, and uphold operational integrity by ensuring that only designated military officials oversee and protect these assets.

However, the Committee observes that the classification and categorisation of materials under the exclusive control of the Defence Forces, particularly military uniforms, can have significant implications for civilian wear. When clothing that closely resembles military colours, patterns, or designs, are classified as military property, civilians wearing similar attire or clothing may face restrictions, or even legal consequences. This is especially in contexts where the resemblance is coincidental or fashion-based rather than intended to impersonate military personnel. For instance, in the Bill, under Clause 82, Schedule 7B, several uniforms for ceremonial wear- including ordinary black shoes, kaunda suits in coffee brown, blue, and khaki- have been categorised as exclusive wear for the Defence Forces. Yet these very colours of clothing and black shoes are seen as ordinary wear by the public.

Be that as it may, the Committee asserts that civilians wearing military-style attire and berets, even without official insignia, significantly risks military identity, public trust, and operational security. Such apparel can confuse the public, undermine military distinctiveness, and grant unearned authority to those not following military codes. In operational or emergency situations, the difficulty in distinguishing trained service members from similarly attired civilians may compromise coordination and increase risks, potentially damaging the armed forces' professional image.

Recommendations.

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- i. **Schedule 7B should be amended to include a requirement for marking military stores with the logos and insignia of the UPDF, thereby distinguishing them from civilian items.**
- ii. **A provision should be inserted to restrict the wearing of camouflage military-style uniforms and berets by individuals who are not part of the military.**

7 CONCLUSION

The Committee recommends that the Bill be considered for second reading, subject to the proposed amendments attached hereto and any other modifications the House may propose and approve.

I beg to report.

**PROPOSED AMENDMENTS TO THE UGANDA PEOPLE'S DEFENCE FORCES
(AMENDMENT) BILL, 2025**

**CLAUSE 1: AMENDMENT OF SECTION 1 OF THE UGANDA PEOPLES'
DEFENCE FORCES ACT, CAP. 330**

Clause 1 of the Bill is amended—

- (a) in paragraph (f), by substituting for the definition of "military court", the following—

"military court" means the courts martial;".

- (b) by inserting the following definitions appropriately—

"Ministers of State" mean the other Ministers appointed by the President under Article 114 of the Constitution to assist the Minister;

- (c) in paragraph (c), by substituting for definition of "service offence", the following—

"service offence" means an offence under this Act and includes the offence of murder, aggravated robbery, kidnap with intent to murder, treason, misprision of treason, or cattle rustling as provided for under the Penal Code Act, committed by a person subject to military law.

Justification

- To harmonise the definition of the phrase "military court" and "courts martial" since currently, the term has a similar definition.
- To define the phrase "Ministers of State" since the phrase is used in clause 14 and without definition, the phrase is incapable of exact meaning in the manner it is used. The terminology used to refer to Ministers of State is prescribed in Article 114 of the Constitution.

- To define a service offence in a manner that restricts it only persons that are subject to officers and militants who commits offences under this Act and other specified offences created under Penal Code Act.

CLAUSE 2: AMENDMENT OF SECTION 5 OF PRINCIPAL

Clause 2 of the Bill is amended in the proposed subsection (4), by substituting for paragraph (e), for the following —

“any other service prescribed by Parliament

Justification

- The duty to prescribe any other force is vested in Parliament in accordance to article 208(4) of the Constitution.

CLAUSE 7: AMENDMENT OF SECTION 14 OF PRINCIPAL ACT

Clause 7 of the Bill is amended in the proposed subsection (1) by deleting paragraph (e).

Justification

- The members referred to in paragraph (e) can be co-opted by the Commander in Chief into the high command under paragraph (u)

CLAUSE 20: INSERTION OF SECTIONS 70A, 70B, 70C, 70D, 70E, 70F, 70G, 70H, 70I, 70J, 70K IN PRINCIPAL ACT

Clause 20 of the Bill is amended

in the proposed section 70D, by substituting for the proposed subsection (1), the following—

“where an officer or militant is dismissed from the Defence Forces without disgrace and the officer or militant has served for ten or more years, the officer or militant shall be entitled to thirty percent of his or her pension or gratuity. ;

- (b) In the proposed section 70E, by deleting the words "in consultation with the pensions authority";
- (c) In the proposed section 70J, in subsection (2) (d), by substituting for the word "wives", the word "spouse";
- (d) by substituting for the proposed section 70K, the following-

"the Minister shall within three months from the commencement of this Act, by statutory instrument, prescribe the manner in which pensions, gratuities and other terminal benefits provided under this Act shall be granted."

Justification

- This is to provide clarity for the payment of gratuity to the dependants of the officer or militant who dies in service.
- To entitle a militant or officer who is dismissed from the Defence Forces without disgrace to pension and gratuity only if the officer or militant has served for at least ten or more years.
- To remove the need to consult the pension authority since there are no other pensionable benefits expected.
- To require the Minister to issue regulations operationalizing payment of pension within three months of the commencement of the Act.

CLAUSE 22: AMENDMENT OF SECTION 86 OF PRINCIPAL ACT

Clause 22 of the Bill is amended in the proposed section 86 by inserting immediately after the proposed subsection (2) the following-

"Where an officer or militant is seconded outside the Defence Forces to an office for which pension is not paid, period of service in the office shall be taken into account in computing the qualifying service for pension or gratuity".

Justification

- To entitle an officer or militant who is deployed outside the Defence forces to an office for which pension is not paid to take into account the period of service in that office when computing the qualifying service for purposes of pension or gratuity.

CLAUSE 26: AMENDMENT OF SECTION 92 OF PRINCIPAL ACT

Clause 26 of the Bill is amended in paragraph (c), in the proposed subsection (6a), by deleting the word "annually".

Justification

- To remove the restriction imposed on an officer or militant to only 4 days paternity leave in a year since the grounds upon which paternity leave is granted can occur more numerous times in a year.

CLAUSE 29: AMENDMENT OF SECTION 117 OF PRINCIPAL ACT

Clause 29 of the Bill is amended in the proposed section 117 by deleting paragraph (c).

Justification

- To remove a redundant provision.

CLAUSE 30: INSERTION OF SECTION 117A IN PRINCIPAL ACT

Clause 30 of the Bill is amended in the proposed section 117A (1)—

- (a) by deleting paragraph (c);
- (b) by substituting for paragraph (d), the following—

"(d) where the person aids or abets a person subject to military law in the commission of, or conspires with a person subject to military law to commit a service offence;"

(c) by inserting immediately after the proposed subsection (10), the following—

“For purposes of subsection (1) (f) (ii), classified stores mean items prescribed in schedule 7B to this Act and have a marking, logo, insignia, regalia, serial number or anything that can identify the classified stores as belonging to Defence Force”;

Justification

- To comply with the decision of the Supreme Court Constitutional Appeal No.2 of 2021: AG Vs Hon. Micheal A. Kabaziguruka wherein court found the trial of civilians in courts martial unconstitutional for vagueness and recommended that civilians can only be tried in exceptional circumstances.
- Paragraph (c) is deleted since it's a repetition of paragraph (f);
- To clearly define what amounts to classified stores.

CLAUSE 35: AMENDMENT OF SECTION 192 OF PRINCIPAL ACT

Clause 35 of the Bill is amended in the proposed section 192—

(a) by substituting for the proposed subsection (3), the following—

“(3) The Chairperson of a Unit Court Martial shall be appointed by the Commander in Chief, in consultation with Judicial Service Commission, from a list of persons approved by the High Command.”;

(b) in the proposed subsection (9), by deleting the words “or any other written law”;

(c) by substituting for the proposed subsection (10), the following—

“(10) The Chairperson and other members of a Unit Court Martial shall serve for five years and are eligible for reappointment.”;

(d) by deleting the proposed subsection (11)

(e) by substituting for the proposed subsection (12), the following—

"(12) The decision of a Unit Court Martial on matters of—

(a) law and procedure shall be determined by the Chairperson;
and

(b) facts shall be determined by majority members.

(f) by deleting the proposed subsection (13);

(g) in the proposed subsection (14), by substituting for the words "General Court Martial", the words "Division Court Martial".

Justification

- for clarity and better drafting
- The deletion of the word "other written law" is a consequential amendment arising from the amendment of the definition of service offences under clause 1.
- To provide for the reasonable tenure of office for efficient discharge of justice
- To designate the Division Court Martial as the first court of appeal from decisions of the Unit Court Martial in order to bring services closer to the people.
- The amendment to the proposed subsection (12) is to provide clarity on who is supposed to make the appropriate decision in the court.
- To comply with the decision of the Supreme Court Constitutional Appeal No.2 of 2021: AG Vs Hon. Micheal A. Kabaziguruka in the appointing persons in courts martial.

CLAUSE 36: AMENDMENT OF SECTION 193 OF PRINCIPAL ACT

Clause 36 of the Bill is amended in the proposed section 193—

(a) by substituting for the proposed subsection (2), the following—

"(2) The Chairperson of a Division Court Martial shall be a person qualified to be appointed a judge of the High Court.";

(b) by substituting for the proposed subsection (3), the following—

"(3) The Chairperson of a Division Court Martial shall be appointed by the Commander in Chief, in consultation with Judicial Service Commission, from a list of persons approved by the High Command." ;

(c) by substituting for the proposed subsection (4), the following—

"(4) The Chairperson and other members of a Division Court Martial shall serve for a term of five years and are eligible for reappointment.;

(d) by deleting the proposed subsection (10);

(e) by deleting the proposed subsection (11);

(f) by substituting for the proposed subsection (12), the following—

"(12) The decision of a Division Court Martial on matters of—

(c) ~~law and procedure shall be determined by the Chairperson;~~
and

(d) facts shall be determined by majority members.

(g) in the proposed subsection (13), by deleting the words "or under any other written law".

(h) by deleting the proposed subsection (14);

Justification

- The requirement for the chairperson to be a person qualified to be appointed as a judge of the High Court is intended to make the chairperson skilled and experienced in law since he or she will be presiding over a court that has jurisdiction over capital offences other than offences that carry a maximum sentence of death.
- To comply with the decision of the Supreme Court Constitutional Appeal No.2 of 2021: AG Vs Hon. Micheal A. Kabaziguruka in the appointing persons in courts martial.
- for clarity and better drafting
- The deletion of the word "other written law" is a consequential amendment arising from the amendment of the definition of service offences under clause 1.
- To provide for the reasonable tenure of office for efficient discharge of justice

CLAUSE 38. AMENDMENT OF SECTION 195 OF PRINCIPAL ACT

Clause 38 of the Bill is amended in the proposed section 195—

(a) by substituting for the proposed subsection (2), the following—

"(2) The members of the General Court Martial shall be appointed by the Commander-in-Chief, acting on the advice of the Judicial Service Commission from a list of persons approved by the High Command." ;

(b) in the proposed subsection (4), by substituting for the word, "three" the word "five";

(c) by deleting the proposed subsection (5);

(d) in the proposed subsection (6)-

(i) in paragraph (a), by deleting the words "and under any other written law;

(ii) in paragraph (b), by deleting the word "Unit Court Martial and"

(e) by deleting the proposed subsection (10);

(f) deleting the proposed subsection (11);

Justification

- To comply with the decision of the Supreme Court Constitutional Appeal No.2 of 2021: AG Vs Hon. Micheal A. Kabaziguruka in the appointing persons in courts martial.
- for clarity and better drafting
- The deletion of the word "other written law" is a consequential amendment arising from the amendment of the definition of service offences under clause 1.
- To provide for the reasonable tenure of office for efficient discharge of justice

CLAUSE 45: ESTABLISHMENT OF MILITARY COURTS DEPARTMENT IN PRINCIPAL ACT

Clause 45 of the Bill is amended by—

(a) substituting for the proposed section 202B, the following—

"202B. Directorate of Military Prosecutions

(1) There is established a Directorate of Military Prosecutions of the Defense Forces which shall be headed by a Director of Prosecutions appointed by the Commander-in-Chief.

(2) A person shall not be appointed as a Director of Military Prosecutions unless the person is—

(a) a serving member of Defence Forces not below the rank of a colonel; and

(b) qualified to be appointed a judge of the High Court.

(3) A person appointed as the Director of Military Prosecutions shall—

(a) have power to direct the investigation of any information or allegation of criminal conduct for purposes of prosecution;

(b) institute criminal proceedings in a courts martial against any person subject to military law;

(c) have power to discontinue at any stage before judgment is delivered, any criminal proceedings preferred under this Act;

(d) prosecute appeals from decisions of courts martial to civilian courts.

(4) The Commander-in-Chief shall in consultation with the High Command appoint persons qualified to practice law as military prosecutors."

Justification

- To provide for the Directorate that will prosecute cases under court martial,
- To comply the decision of the Supreme Court Constitutional Appeal No.2 of 2021: AG Vs Hon. Micheal A. Kabaziguruka on the independence of the court.

CLAUSE 57: AMENDMENT OF SECTION 225 OF THE PRINCIPAL ACT

Clause 57 of the principal act is amended by substituting for the proposed section 225, the following-

"225. Grounds of Appeal"

A party to proceedings of courts martial who is dissatisfied with a decision of the courts martial shall have the right to appeal to an appellate court on any matter of law, fact or mixed law and fact.

Justification

- For clarity, to provide for grounds of appeal.

CLAUSE 60: AMENDMENT OF SECTION 229 OF PRINCIPAL ACT

Clause 60 is amended in the proposed section 229 by-

- (a) numbering the current provision as subsection (1);
- (b) inserting immediately after subsection (1), the following—

"For the purposes of subsection (1), "appellate court" means-

- (a) in the case of a decision of a Unit Court Martial, the Division Court Martial;
- (b) in the case of a decision of a Division Court Martial, the General Court Martial;
- (c) in the case of a decision of a General Court Martial, the Court of Appeal;
- (d) in the case of a decision of a Court of Appeal, the Supreme Court.

Justification

- To provide for the prescribe right of appeal.

INSERTION OF NEW CLAUSE IMMEDIATELY AFTER CLAUSE 65

The Bill is amended by inserting immediately after clause 65, the following—

"Insertion of section 235A in principal Act

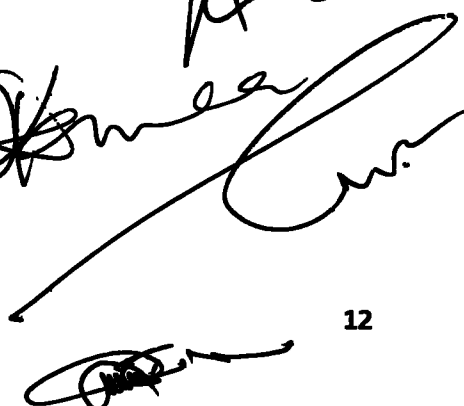
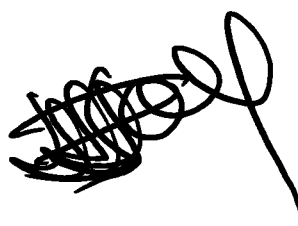
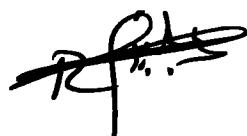
The principal Act is amended by inserting immediately after section 235, the following—

235A. Execution of sentence of death

Where a sentence of death is imposed by the General Court Martial, the sentence shall not be executed until the conviction and sentence have been confirmed by the Supreme Court."

Justification

- To align the provision of Article 22 of the Constitution.

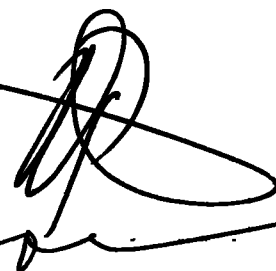


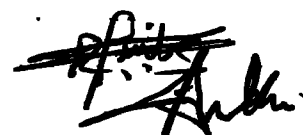
JOINT COMMITTEE ON DEFENCE AND INTERNAL AFFAIRS AND LEGAL AND PARLIAMENTARY AFFAIRS THAT CONSIDERED THE UGANDA PEOPLES' DEFENCE FORCES (AMENDMENT) BILL, 2025.

Sn	Name	Constituency	Signature
DEFENCE AND INTERNAL AFFAIRS			
1	Hon. Wilson Kajwengye-C/P	Nyabushozi	
2	Hon. Ngompek Linos-D/CP	Kibanda North	
3	Hon. Aeku Patrick	Soroti County	
4	Hon. Arinaitwe Rauben	Isingiro West-Isingiro	
5	Hon. Kauma Sauda	DWR-Iganga	
6	Hon. Kintu Alex Brandon	Kagoma North	
7	Hon. Kiwanuka Abdallah	Mukono County North	
8	Hon. Komol Emmanuel	Dodoto East County-Kaabong	
9	Hon. Kyoto Ibrahim Mululi	Budiope West	
10	Hon. Lamwaka Margaret	Chua East-Kitgum	
11	Hon. Lt. Gen. Elwelu Peter	UPDF	
12	Hon. Nyeko Derrick	Makindye East	
13	Hon. Mugabe Donozio Kahonda	Ruhinda South	
14	Hon. Museveni William	Buwekula South-Mubende	
15	Hon. Nakwang Christine Tubo	DWR-Kaabong	
16	Hon. Namanya Naboth	Rubabo	
17	Hon. Nambooze Betty Bakireke	Mukono Municipality	
18	Hon. Niyonsaba Alex	Bufumbira South	
19	Hon. Ocheri Jimbricky Noman	Labwor	
20	Hon. Okeyoh Peter	Bukooli	
21	Hon. Okot Moses Junior Biteke	Kioga	
22	Hon. Olanya Gilbert	Kilak South	
23	Hon. Ssebikaali Yoweri	Ntwetwe	
24	Hon. Ssekikubo Theodore	Lwemiyanga	
25	Hon. Wakooli Godfrey	Buiiru County	
26	Hon. Bainomugisha Jane Kabajungu	Ibanda	
LEGAL AND PARLIAMENTARY AFFAIRS			
1	Hon. Baka Mugabi	Bukooli North	
2	Hon. Teira John	Bugabula North	
3	Hon. Nkwasiibwe Zinkurature Henry	Ruhaama	



4	Hon. Werikhe Peter Christopher	Bubulo West
5	Hon. Fox Odoi Oywelowo	West Budama Northeast
6	Hon. Lokkii Peter Abrahams	Jie County
7	Hon. Pamela Nasiyo Kamugo	DWR-Budaka District
8	Hon. Kamusiime Caroline	DWR-Rukiga
9	Hon. Achayo Juliet Lodou	Ngora
10	Hon. Okiror Bosco	Usuk
11	Hon. Oseku Richard Oriebo	Kibale
12	Hon. Okia Joanne Aniku	DWR-Madi Okollo
13	Hon. Kisembo Neoline	DWR, Kibaale
14	Hon. Silwany Solomon	Bukooli Central
15	Hon. Musinguzi Yona	Ntungamo Municipality
16	Hon. Remegio Achia	Pian
17	Hon. Malende Shamim	DWR Kampala
18	Hon. Lubega Medard Ssegona	Busiro East
19	Hon. Ssekitoleko Robert	Bamunanika County
20	Hon. Patrick Nsanja	Ntenjeru South
21	Hon. Adeke Ann Ebaju	Soroti City
22	Hon. Alum Santa Sandra O	DWR Oyam
23	Hon. Asuman Basalirwa	Bugiri Municipality
24	Hon. Niwagaba Wilfred	Ndorwa East
25	Hon. Katuntu Abdu	Bugweri County
26	Hon Barnabas Tinkasiimire	Buyaga West
27	Hon Zijjan David Livingstone	Butembe
28	Hon Lumu Richard Kizito	Mityana South
29	Hon John Baptist Nambeshe	Manjiya County
30	Hon Mathias Mpuuga	Nyendo-Mukungwe
31	Hon Jonathan Odur	Erute South
32	Hon. Najjuma Sarah	DWR, Nakasekwe
33	Hon Odoi Bernard	Youth MP, Eastern
34	Hon Akampurira Mbabazi Prossy	DWR, Rubanda





Silwany
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