

CHAPTER 32 – COLLECTIVE PUNISHMENT
A LAW TO PROVIDE FOR THE IMPOSITION OF FINES ON VILLAGES AND
COMMUNITIES IN CERTAIN CASES

1. This Law may be cited as the Collective Punishment Law.

2. Definitions:–

"arms" includes arms of precision and any weapon discharging a projectile by explosion, and any part of such weapon, and also swords, cutlasses, spears, daggers, bows and arrows;

"arms of precision" includes magazine guns, rifles, breach loaders, cap-guns, flint-locks with rifled barrels, revolvers, pistols, air guns and air pistols, or any part or parts thereof.

3. The Governor, after and acting on the basis of a due and impartial inquiry, may impose fines on all or any inhabitants of any village or district or members of any tribe or community if it has been found upon such inquiry:–

(a) that they have colluded with any criminal, or harboured, or rescued, or attempted to rescue, or failed to take all reasonable means to prevent the escape of, any criminal or any person accused of having committed a crime concerning whom a public announcement had previously been made within the limits of their village or district by an authorised emissary of a local government council;

(b) that they have suppressed, or combined to suppress, evidence in any criminal case, investigation, or inquiry, or in any inquest;

(c) that stolen property, or property which might reasonably be suspected of being the proceeds, or part of the proceeds, of a theft concerning which a public announcement had previously been made in the manner specified in paragraph (a), having been traced to within the limits of their village or district, they have failed or neglected to restore the property or to take on the track beyond the limits of such village or district;

(d) that they have wilfully disobeyed, or neglected or refused to carry out, any lawful order given to them by a local government council,

and may order the whole or any part of the fines recovered under the provisions of paragraphs (a), (b) and (c) to be applied in compensation for the injury caused by the offence of which the

criminal is accused or to which the criminal case, investigation, inquiry, or inquest relates, or in compensation to the owner of the stolen property.

4.—(1) Where within any village or district a person is unlawfully killed, or dangerously wounded by unlawful attack, or the body is found of a person believed to have been unlawfully killed, the Governor, after and acting on the basis of a due and impartial inquiry, may impose a fine on all or any of the inhabitants of such village or district or the members of any tribe or community resident therein unless they can show upon such inquiry that they did not take part in the commission of the offence and either:—

(a) had not an opportunity of preventing the offence or arresting the offender; or

(b) have used all reasonable means to bring the offender to justice.

(2) The Governor may order the whole or any part of a fine recovered under the provisions of this section to be paid as compensation to the person wounded or to the members of the family of the person killed.

5. An order imposing a fine hereunder shall not for any purpose be regarded as a criminal conviction.

6. The Governor may, either by the order imposing the fine or by a subsequent order, direct that the whole or any part of the fine recovered under the provisions of this Law shall be repaid to the persons paying such fine provided that they shall have kept the peace and been of good behaviour for such period as the Governor may determine; and any such order may be subsequently varied by a further order of the Governor curtailing or extending such period.

7. In addition to or in lieu of a fine the Governor may order all or any inhabitants of any village or district or members of any tribe or community whose conduct has been found to fall within the provisions of sections 3 or 4 to deliver up such number of arms as may be ordered to such officer as may be specified.

8. The Governor may determine the limits of a village or district or define a tribe or community for the purposes of any order under this Law.

9. If the fines or any part of them are not paid within twenty-one days next after the date fixed for payment thereof, it shall be lawful for the Governor or for a Commissioner authorised by the Governor to direct that a distress be levied upon the movable and immovable property of all or any of the persons upon whom the fines have been imposed in respect of the amount then

remaining unpaid.

10. —(1) An inquiry under this Law shall be conducted by a person holding the office of Magistrate (hereinafter referred to as the Magistrate).

(2) The Magistrate shall give all parties a reasonable opportunity to give evidence, to obtain the attendance of witnesses, to examine witnesses called against them and to present their point of view:

Provided, however, that the Magistrate may require the inhabitants of the village or district concerned or the members of the tribe or community concerned to examine witnesses called against them and present their point of view through representatives.

(3) At the conclusion of the inquiry a Magistrate shall submit a written report to the Governor concerning his findings as to the responsibility of individuals or groups of individuals for the conduct described in section 3 or 4 of this Law and the loss caused by their actions.

11. An appeal shall not lie from any order made under this Law which shall be final and shall not be liable to be contested by suit or otherwise.