



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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WINDHOEK - 8 April 1997

No. 1533

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## Proclamation

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by the

**PRESIDENT OF THE REPUBLIC OF NAMIBIA**

No. 4 1997

### ANNOUNCEMENT OF PRESIDENTIAL PARDON TO CERTAIN CATEGORIES OF PRISONERS

In terms of subarticle (8) of Article 32 of the Namibian Constitution, I hereby announce that I have under the powers vested in me by subarticle (3)(d) of the said Article 32, on the 25th day of March 1997 (in order to commemorate the seventh anniversary of the Independence of the Republic of Namibia) -

- (a)    pardoned -
- (i)    all persons who are serving prison terms and whose conditional release on parole have been approved before or on the said date;
  - (ii)   all first offenders who are serving prison terms and who have been sentenced to a period of imprisonment not exceeding two years: Provided that the provisions of this subparagraph shall not apply to persons serv-

ing sentences of imprisonment for the following crimes (or the attempt to commit, where applicable, such crimes): treason; murder; rape; robbery; indecent assault; culpable homicide; assault with intent to do grievous bodily harm; fraud; malicious damage to State property; house-breaking with intent to commit a crime; illegal possession of arms and ammunition; bribery and statutory corruption; defeating the ends of justice; dealing in, or possession of, any dependence-producing drug under the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971 (Act 41 of 1971); any offence under section 2(1) of the Controlled Game Products Proclamation, 1980 (Proclamation AG.42 of 1980); and any offence under section 20(2)(a) or 26(3)(a) of the Nature Conservation Ordinance, 1975 (Ordinance 4 of 1975): Provided further that the provisions of this subparagraph shall not apply to -

- (aa) a person who has been released under a pardon given under Article 32 since the Independence of Namibia and who is serving a prison term on the said date; or
  - (bb) a person who has escaped or attempted to escape from lawful custody during a prison term being served on the said date; or
  - (cc) a person who serves a prison term for an offence involving violence against women or children;
- (iii) all first offender juveniles under the age of 15 years, irrespective of the sentence imposed; and
- (iv) all first offenders who are serving prison terms for -
- (aa) theft, provided the value of the goods stolen is less than N\$600; or
  - (bb) theft, provided the term of imprisonment imposed is less than six months; or
  - (cc) theft, provided the term of imprisonment imposed is six months or more but less than one year and provided further that the term of imprisonment is imposed as an alternative to the payment of a fine; and
- (b) in the case of any other persons serving terms of imprisonment -
- (i) of less than 10 years, remitted the term of imprisonment with a period of six months;
  - (ii) of ten years or more, remitted the term of imprisonment with a period of one year:

Provided that the provisions of this paragraph shall not apply to persons

serving terms of imprisonment for the following crimes (or the attempt to commit, where applicable, such crimes): treason; murder; rape; escape from lawful custody; any offence involving violence against women or children; any offence mentioned in subparagraph (ii) of paragraph (a) and where a fire-arm was used; housebreaking with intent to commit an offence; stock theft; dealing in, or possession of, any dependence producing drugs under the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971 (Act 41 of 1971).

Given under my Hand and the Seal of the Republic of Namibia at Windhoek on this 24th day of March, One Thousand Nine Hundred and Ninety-Seven.

**SAM NUJOMA**

**President**

**BY ORDER OF THE PRESIDENT-IN-CABINET**