

BUITENGEWONE

# OFFISIËLE KOERANT

VAN SUIDWES-AFRIKA

# OFFICIAL GAZETTE

EXTRAORDINARY

OF SOUTH WEST AFRICA



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### PROKLAMASIE:

No. AG. 3 Proklamasie op Amnestie, 1980

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## Proklamasie

van die

ADMINISTRATEUR-GENERAAL VIR DIE  
GEBIED SUIDWES-AFRIKA

*(Deur die Staatspresident goedgekeur op 21 Januarie 1980)*

No. AG. 3

1980

VERLENING VAN AMNESTIE AAN SEKERE  
PERSONE

Kragtens die bevoegdheid my verleen by Proklamasie 181 van 19 Augustus 1977, maak ek hierby die wette in die Bylae vervat.

G. van N. VILJOEN

Administrateur-generaal

Windhoek, 22 Januarie 1980

## BYLAE

*Uitreiking van sertifikate aan persone wat vrywilliglik oorgee*

1. (1) Wanneer 'n persoon wat na bewering betrokke was by terroristiese bedrywighede gerig teen 'n owerheid in die gebied Suidwes-Afrika, hom vrywilliglik oorgee aan 'n militêre-, polisie- of ander regeeringsowerheid in of van bedoelde gebied, met die oog op die verkryging van amnestie ten opsigte van sy voormelde bedrywighede, en inwillig dat hy deur enige sodanige owerheid in bewaring aangehou word vir 'n tydperk van hoogstens dertig dae, vir doeleindes van identifikasie, nakoming van gesondheidsvereistes en voltooiing van reëlins vir vestiging in die gemeenskap,

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### PROCLAMATION:

No. AG. 3 Amnesty Proclamation, 1980

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## Proclamation

by the

ADMINISTRATOR-GENERAL FOR THE  
TERRITORY OF SOUTH WEST AFRICA

*(Approved by the State President on 21 January 1980)*

No. AG. 3

1980

GRANTING OF AMNESTY TO CERTAIN  
PERSONS

Under the powers vested in me by Proclamation 181 of 19 August 1977, I hereby make the laws set out in the Schedule.

G. van N. VILJOEN

Administrator-General

Windhoek, 22 January 1980

## SCHEDULE

*Issue of certificates to persons surrendering voluntarily*

1. (1) Whenever any person alleged to have been engaged in terroristic activities directed against any authority in the territory of South West Africa, voluntarily surrenders himself to any military, police or other government authority in or of the said territory, with a view to obtaining amnesty in respect of his activities aforesaid, and agrees to be held in custody by any such authority for a period not exceeding thirty days for the purposes of identification, compliance with health requirements and completion of arrangements for settlement in society, such person may so be held in custody

kan bedoelde persoon aldus in bewaring aangehou word en kan die Administrateur-generaal of 'n beampte in die staatsdiens wat op sy gesag en behoudens sy voorskryfte optree, aan daardie persoon 'n sertifikaat uitreik waarin verklaar word dat hy hom aldus oorgegee het en dat die bepalings van artikel 2 ten opsigte van hom van toepassing is.

(2) 'n Sertifikaat in subartikel (1) bedoel, word uitgereik slegs aan 'n persoon wat hom aldus oorgee gedurende dié tydperke wat die Administrateur-generaal van tyd tot tyd by kennisgewing in die *Offisiële Koerant* bepaal.

#### Vrywaring

2. (1) Behoudens die bepalings van artikel 1 en subartikel (2) van hierdie artikel —

- (a) word geen proses, hetsy siviël- of strafregtelik of van dissiplinêre aard, in 'n geregshof of ander hof aanhangig gemaak nie;
- (b) word geen aanhoudingsbevel kragtens die een of ander wet uitgereik nie,

teen 'n persoon aan wie 'n sertifikaat kragtens artikel 1 uitgereik is, ten opsigte van 'n handeling verrig vóór die datum van oorgawe ingevolge daardie artikel, indien daardie handeling verrig was met die opset om 'n politieke doelstelling of saak te bevorder.

(2) Die bepalings van subartikel (1) is nie van toepassing nie ten opsigte van 'n handeling wat die dood van of ernstige liggaamlike leed aan 'n persoon veroorsaak het anders as gedurende 'n gewapende geveg teen 'n veiligheidsmag wat besig is met die onderdrukking van terrorisme soos omskryf in die Verdedigingswet, 1957 (Wet 44 van 1957 van die Republiek van Suid-Afrika).

#### Vergoeding

3. Die bepalings van artikel 103*quat.* van die Verdedigingswet, 1957, is ten opsigte van skade wat deur 'n persoon gely is as gevolg van 'n handeling ten opsigte waarvan vrywaring kragtens artikel 2(1) geld, *mutatis mutandis* van toepassing, asof 'n verwysing in bedoelde bepalings —

- (a) na die Minister 'n verwysing na die Administrateur-generaal is;
- (b) na die Minister van Finansies 'n verwysing na die Administrateur-general is;
- (c) na die Gekonsolideerde Inkomstefonds 'n verwysing na die Sentrale Inkomstefonds is.

#### Kort titel

4. Hierdie Proklamasie heet die Proklamasie op Amnestie, 1980.

and the Administrator-General or any officer in the public service acting under his authority and subject to his directions, may issue to such person a certificate stating that he has so surrendered himself and that the provisions of section 2 shall apply in respect of him.

(2) A certificate referred to in subsection (1) shall be issued only to a person who so surrenders himself during such periods as the Administrator-General may from time to time determine by notice in the *Official Gazette*.

#### Indemnity

2. (1) Subject to the provisions of section 1 and subsection (2) of this section —

- (a) no proceedings, whether civil, criminal or disciplinary, shall be brought in any court of law or other court;
- (b) no detention order shall be issued under any law,

against any person to whom a certificate has been issued under section 1, in respect of any act performed prior to the date of surrender in terms of that section, if such act was performed with intent to further any political aim or cause.

(2) The provisions of subsection (1) shall not apply in respect of any act causing the death of or grievous bodily harm to any person otherwise than in the course of armed combat against any security force engaged in the suppression of terrorism as defined in the Defence Act, 1957 (Act 44 of 1957 of the Republic of South Africa).

#### Compensation

3. The provisions of section 103*quat.* of the Defence Act, 1957, shall apply *mutatis mutandis* in respect of any damage suffered by any person as a result of any act in respect of which an indemnity applies under section 2(1), as if any reference in the said provisions —

- (a) to the Minister were a reference to the Administrator-General;
- (b) to the Minister of Finance were a reference to the Administrator-General;
- (c) to the Consolidated Revenue Fund were a reference to the Central Revenue Fund.

#### Short title

4. This Proclamation shall be called the Amnesty Proclamation, 1980.