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CONTENTS

No.		Page
ACT		
7	Pardons Act 1996	1051

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**ACT NO. 7 OF 1996
PARDONS ACT 1996**

An Act to make provision for the granting of a pardon to persons who are in unlawful possession of firearms and ammunition and to certain persons who are liable to criminal prosecution for certain offences and for disciplinary proceedings and for matters connected therewith.

WHEREAS SECTION 12(6) OF THE CONSTITUTION PROVIDES THAT NO PERSON SHALL BE TRIED FOR A CRIMINAL OFFENCE IF HE SHOWS THAT HE HAS BEEN PARDONED FOR THAT OFFENCE;

AND WHEREAS IT IS EXPEDIENT FOR THE PURPOSES OF RECONCILIATION AND IN THE NATIONAL INTEREST TO GRANT A PARDON TO PERSONS -

- (a) who may be in unlawful possession of firearms and ammunition;
- (b) who may be liable for criminal prosecution for or on account of or in respect of any act, matter or thing done or purported to be done during the period 1st November, 1993 to 31st December, 1995 by such person in the execution or purported execution of his duty or in the pursuit of any political objective; and
- (c) who may be liable for disciplinary proceedings for or on account of or in respect of any act, matter or thing done during such period.

NOW THEREFORE, BE IT

ENACTED BY THE PARLIAMENT OF LESOTHO.

Short title and commencement

1. This Act may be cited as the Pardons Act 1996 and shall come into operation on the date of its publication in the Gazette.

Grant of pardon in respect of firearms etc.

2. (1) There shall be granted a pardon to a person who may be in unlawful possession of firearms and ammunition provided that such person shall within four weeks after the commencement of this Act, or within such other period as may be determined by the Prime Minister:

- (a) surrenders any such firearm in his possession together with any ammunition he may possess, to a person who may be designated by the Commissioner of Police; and
- (b) surrenders such firearm or ammunition at such place as may be designated by the Commissioner of Police.

(2) For the purpose of this section firearms and “ammunition” shall have the same meaning as assigned to it in the Internal Security (Arms and Ammunition) Act 1966¹.

Publication in the Gazette

3. The Commissioner of Police shall publish in the Gazette and by such other means, as he may determine, the persons and the places designated under paragraphs (a) and (b) of section 2(1).

Grant of pardon to members of the disciplined forces, etc.

4. There shall be granted a pardon to a member of -

- (a) the Lesotho Defence Force;
- (b) the Police Force;
- (c) the National Security Service;
- (d) the Prisons Service;
- (e) the former Lesotho Liberation Army; and
- (f) any other armed group that pursued a political objective,

Disposal of surrendered firearms and ammunition

5. (1) The Commissioner of Police or any officer authorised by him shall, upon surrender of any firearm or ammunition pursuant to section 2 -

- (a) furnish to the person who surrenders such firearm or

ammunition, the original copy of the receipt setting out -

- (i) in the case of a firearm, particulars of such firearm including the type, make and serial number, and
 - (ii) in the case of ammunition the type and quantity;
- (b) forward the duplicate copy of such receipt to the Minister of Home Affairs;
 - (c) retain the third copy of such receipt; and
 - (d) maintain an inventory setting out the particulars referred to in paragraph (a) of subsection (1).

(2) The Minister of Home Affairs shall determine the manner in which such firearms or ammunition shall be disposed of.

Grant of pardon to members of disciplined forces subject to disciplinary proceedings

6. There shall be granted a pardon to a member referred to in paragraphs (a) to (d) of section 4 who may be liable for disciplinary proceedings for or on account of or in respect of any act, matter or thing done by such member during the period referred to in section 4.

Pending criminal proceedings in court

7. Where any criminal proceedings are pending in a court against any person referred to in section 4, such proceedings shall continue and in the event of conviction the provisions of section 101 of the Constitution relating to the prerogative of mercy may apply.

Civil proceedings

8. For avoidance of doubt, the provisions of this Act shall not preclude any person from instituting civil proceedings in any court against a person referred to in section 4.

NOTE

Act7No. 17 of 1966