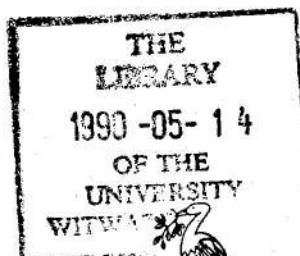


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DEPARTMENT OF COUNCIL OF STATE

DECREE No. 11 OF 1990

INDEMNITY DECREE, 1990

# **COUNCIL OF STATE — REPUBLIC OF CISKEI**

## **INDEMNITY DECREE, 1990**

### **DECREE No. 11 OF 1990**

To indemnify the Government of the Republic of Ciskei, the Council of State of the Republic of Ciskei, the officers and members of the Defence Force of the Republic of Ciskei, the officers and members of the Ciskeian Police, and any other persons in the employ of the Republic of Ciskei in respect of acts advised, commanded, ordered, directed or performed to promote, bring about or effect the assumption of power in the Republic of Ciskei by the Council of State, or to promote, bring about or effect the effective control of the government of the Republic of Ciskei by the Council of State, and to provide for matters incidental thereto.

BE IT DECREED by the Council of State of the Republic of Ciskei, as follows:-

**1. Indemnity** - No proceedings, whether civil or criminal, shall be brought in any court of law against —

- (a) the Government of the Republic of Ciskei, or
- (b) the Council of State of the Republic of Ciskei or the Chairman or any councillor thereof, or
- (c) any officer or member of the Defence Force of the Republic of Ciskei, or
- (d) any officer or member of the Ciskeian Police, or
- (e) any person in the employ of the State, or
- (f) any person acting under the authority or direction or with the approval of any officer, member or person referred to in paragraph (b), (c), (d), or (e), by reason of any action advised, commanded, ordered, directed or performed in order to promote, bring about or effect the assumption of power in the Republic of Ciskei on 4 March, 1990 by the Council of State, or to promote, bring about or effect the effective control of the government of the Republic of Ciskei by the Council of State subsequent to the assumption of power by the Council of State, or, in relation thereto, to prevent or suppress internal disorder, to maintain or restore good order, to restore peace and public safety, to protect and maintain essential services, or to preserve life or property.

**2. Certificate of Indemnity.** - (1) A certificate signed by the Chairman of the Council of State and declaring that an action which is the subject of civil or criminal proceedings is such an action as is contemplated in section 1 shall, on its mere production in any such proceedings, constitute conclusive proof thereof.

(2) Whenever in any proceedings in any court the sole issue for determination is whether or not the action which is subject of such proceedings is an action as contemplated in section 1, the court shall, upon the production of a certificate of indemnity as contemplated in subsection (1) make a finding that the action in issue is an action as contemplated in section 1 and thereupon the proceedings shall lapse and be deemed to be void.

**3. Short title and commencement.** - This Decree shall be called the Indemnity decree, 1990 and shall be deemed to have come into operation on 4 March 1990.

Given under my hand and the seal of the Republic of Ciskei on this 23rd day of April, 1990.

O.J. GQOZO — Brigadier  
CHAIRMAN OF COUNCIL OF STATE