

SUMMARY OF BRIEFING NOTES ON POLITICAL PARDONS

1. On **21 November 2007**, the president announced to the Joint Sitting of Parliament the establishment of a Special Dispensation for the pardoning of persons convicted for offences allegedly committed in pursuit of political objectives, to deal with the 'unfinished business' of the past.
2. The Special Dispensation would exist over a window period, set for the period of **15 January 2008 to 15 April 2008**.
3. The window period has now, on the request of the Reference Group, been extended to **31 May 2008**. The extension was granted by the President largely because logistical arrangements around the implementation of the Special Dispensation were finalised within the opening part of the window period.
4. A MultiParty Reference Group (the RG) was established to consider the applications and make recommendations to the President, who will exercise his constitutional powers to either grant or refuse pardon to the applicants.
5. The Department of Justice is providing financial as well as administrative support to the RG, which includes providing the secretariat. A comprehensive communication framework on the details of the

process was also set up and funded by the department on both print and electronic media.

6. To date, 940 applications have been received and are being processed.
7. On **21 April 2008**, the RG met with the President to make submissions on their proposed revision of the Terms of Reference. The proposals are:
 - a. the disqualification of persons denied amnesty by the TRC should be removed; and
 - b. provision should be made to accommodate
 - (i) people who are still on trial, not yet convicted and
 - (ii) those who have committed politically motivated deeds and have not yet been charged;
8. It was resolved that a legal opinion be sought on b (i) and (ii) above, and that the removal of the disqualification of those denied Amnesty be referred to **Parliament**.
9. An issue was also raised regarding the remuneration of members of the Reference Group, particularly those that are not MPs, who take unpaid leave to attend to RG business. The President assigned the Presidency DG, Rev Chikane, to look into the matter. The DoJ is working on recommendations to be made to Rev Chikane on the matter, given that the financial support to the RG is provided by the Department.