



ZIMBABWEAN

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EXTRAORDINARY

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General Notice 104 of 2009.

CONSTITUTION OF ZIMBABWE

Clemency Order No. 1 of 2009

IT is hereby notified that His Excellency the President has, in terms of section 31I of the Constitution, made the order set out in the Schedule.

21-8-2009. **D. MANGOTA,**
Secretary for Justice and Legal Affairs.

SCHEDULE

Title

1. This order may be cited as the Clemency Order No. 1 of 2009.

Remission of sentence for convicted female prisoners

2. A full remission of the remaining period of imprisonment is hereby granted to all female prisoners regardless of offences committed save for those falling under paragraphs 8 and 9 of this General Notice.

Remission of sentence for juveniles

3. A full remission of the remaining period of imprisonment is hereby granted to all juvenile prisoners under the age of eighteen serving terms of imprisonment irrespective of the offences they committed. Prisoners falling under paragraphs 8 and 9 of this General Notice are excluded from the proposed amnesty.

Remission of sentence for prisoners sentenced to 36 months and below

4. A full remission of the remaining period of imprisonment is hereby granted to prisoners sentenced to imprisonment for a period of 36 months and below and who will have served at least a quarter (1/4) of their sentence by the date of gazetting of this Clemency Order, provided they are not excluded from benefiting in terms of paragraphs 8 and 9 of this General Notice.

Remission of sentence on medical grounds

5. A full remission of the remaining period of imprisonment is hereby granted to all terminally ill prisoners who are unlikely to survive their prison term irrespective of the offences they committed upon certification by a Prison Medical Officer or a Government Medical Officer of the fact that the prisoner is unlikely to survive his prison term, provided they do not fall under paragraphs 8 and 9 of this General Notice.

Remission of sentence for prisoners at open prison

6. A full remission of sentence is granted to all prisoners serving terms of imprisonment at open prisons. This category consists of those prisoners who as a result of good behaviour and genuine desire to reform whilst in closed prisons have been selected for the open prison rehabilitation programme, provided they are not excluded from benefiting in terms of paragraphs 8 and 9 of this General Notice.

Remission of sentence for prisoners sentenced to life in prison or sentenced to long terms of imprisonment

7. A full remission of the remaining period of imprisonment is granted to all prisoners sentenced to life in prison or to long terms of imprisonment on or before 31st May, 1989, and have served 20 years or more.

Prisoners excluded from amnesty

8. The following persons are excluded from this amnesty—
- any prisoner under sentence of death; and
 - habitual criminals serving a sentence of extended imprisonment; and
 - any person who escaped from custody and is still at large by the date of gazetting of the Clemency Order; and
 - any person on bail pending appeal against conviction or sentence; and
 - any person serving a sentence of imprisonment for a specific offence; and
 - any prisoner serving a sentence imposed by a court martial.

Definitions

9. For the purposes of this amnesty—

“specified offence” means—

- murder; treason;
- rape or any sexual offence;
- car jacking, armed robbery, stock theft;
- tampering with any apparatus for generating, transmitting, distributing or supplying electricity with the results that any supply of electricity is interrupted or cut off and damaging, destroying or interfering with any apparatus for generating, transmitting, distributing or supplying electricity;
- any conspiracy, incitement or attempt to commit any of the offences referred to in paragraph (a), (b), (c) or (d);

(f) being an accessory after the fact to any offences referred to in paragraphs (a), (b), (c) or (d).

Given under my hand and sealed at Harare this 17th day of August, in the year of Our Lord two thousand and nine.

R. G. MUGABE,
President.

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