

# ZIMBABWEAN

# GOVERNMENT GAZETTE EXTRAORDINARY

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General Notice 695 of 2021.

## CONSTITUTION OF ZIMBABWE

### Clemency Order No. 1 of 2021

IT is hereby notified that His Excellency the President has, in terms of section 112(1)(a) and (d) of the Constitution of Zimbabwe, made the order set out in the Schedule.

V. MABIZA,  
13-4-2021. Secretary for Justice, Legal and Parliamentary Affairs.

#### SCHEDULE

### CLEMENCY ORDER NO. 1 OF 2021

#### *Title*

1. This order may be cited as the Clemency Order No. 1 of 2021.

#### *Remission of sentence for all female prisoners*

2. Full remission of the remaining period of imprisonment to be granted to all female prisoners, save for those convicted of specified offences. The prisoners should have served at least one third of their sentences.

#### *Remission of sentence for all juvenile prisoners*

3. A full remission of the remaining period of imprisonment to be granted to all juveniles under the age of 18 years, save for those convicted of specified offences. The prisoners should have served at least one third of their sentences. Age determination will be based on the birth certificate of the concerned prisoner.

#### *Remission of sentence for prisoners serving effective sentence of 36 months and below*

4. A full remission of the remaining period of imprisonment is to be granted to all those prisoners serving an effective period of 36 months and below who have served at least one third of their sentences by the date of *gazetting* of the Clemency Order provided that they are not convicted with specified offences.

#### *Remission of sentence on medical grounds*

5.-

(a) a full remission of the remaining period of imprisonment to be granted to all prisoners who have been terminally ill for a prolonged period without recovery upon certification by a Correctional Medical Officer or a Government Medical Officer. The Department of Correctional Service should liaise with the Social Welfare so that a commitment for continued provision of medication is attained. The issue of bed ridden and prolonged period remains the discretion of the Correctional Medical Officer or Government Medical Officer regardless of offences committed;

(b) full remission of the remaining period of imprisonment to be granted to all prisoners aged 50 years and above with the

following underlying medical conditions: Asthma, Diabetes and Kidney disease in view of COVID-19 pandemic. The prisoners who fall under this category should have served at least one third of their sentences by the date of *gazetting* of the Clemency Order provided that they are not charged with specified offences.

#### *Remission of sentence for prisoners at the open prison*

6. Full remission of sentence to be granted to all prisoners serving a term of imprisonment at the Open Prison regardless of offences committed.

#### *Remission of sentence for prisoners aged 60 years and above*

7. Full remission of sentence to be granted to all prisoners aged 60 years and above, who would have served at least one third of the sentence by the date of *gazetting* of the Clemency Order, save for those convicted of specified offences. The age of the prisoners should be confirmed from the prisoner's National Identity Card, Birth Certificate or Passport.

#### *Remission of sentence for prisoners serving life imprisonment*

8. Full remission of sentence to be granted to all prisoners who would have served life imprisonment for at least 15 years. This includes—

- (a) prisoners sentenced to life imprisonment;
- (b) prisoners whose sentences were commuted from death to life imprisonment;
- (c) prisoners whose sentences were altered to life imprisonment on appeal or review;
- (d) the 15-year period shall include any period under sentence of death for all the categories above.

#### *Commutation of death sentence to life imprisonment*

9. Commutation of death sentence to life imprisonment to be granted to all prisoners who have been on death row for at least eight years.

#### *Quarter remission of sentence for prisoners serving effective sentence of above 36 months*

10. Prisoners serving an effective period of imprisonment of more than 36 months who have served at least a third of their sentence be granted additional quarter remission, provided that they are not convicted of a specified offence.

#### *Remission of sentence for prisoners who are disabled*

11. Full remission of the remaining period of imprisonment to be granted to all prisoners who would have been certified by a Correctional Medical Officer or Government Medical Officer to have total blindness and those who are physically challenged to the extent that they cannot be catered for in a prison or correctional environment, regardless of offences committed.

*Prisoners excluded from amnesty*

12. The following prisoners are excluded from the amnesty—

- (a) any prisoner who was previously released on amnesty;
- (b) any prisoner serving a sentence imposed by a Court Martial;
- (c) any prisoner who has a record of escaping from lawful custody;
- (d) any prisoner with a pending criminal appeal.

*Definitions*

13. For the purpose of this amnesty “specified offence” means —

- (a) murder;
- (b) treason;
- (c) rape or any sexual offence;
- (d) carjacking;
- (e) robbery;
- (f) stock theft;
- (g) public violence;
- (h) trafficking in persons;
- (i) unlawful possession of firearm;

- (j) any conspiracy, incitement or attempt to commit any of the offences referred to in paragraphs (a), (b), (c), (d), (e), (f), (g), (h) and (i);
- (k) being an accessory after the fact to any of the offences referred to in paragraphs (a), (b), (c), (d), (e), (f), (g), (h) and (i).

14. The General Amnesty proposal is meant to address decongestion of prisons in relation to the health problems related to COVID-19, food and clothing challenges for prisoners.

Given under my hand and seal at Harare this ninth day of April in the year of Our Lord two thousand and twenty-one.

EMMERSON DAMBUDZO MNANGAGWA,  
President.

## CONTENTS

<i>General Notice</i>	
<i>Number</i>	<i>Page</i>
695. Constitution of Zimbabwe: Clemency Order No. 1 of 2021 .	565