

## CONSTITUTION OF ZIMBABWE

### Clemency Order No. 1 of 2023

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,  
12-5-2023. Secretary for Justice, Legal and Parliamentary Affairs.

#### SCHEDULE

##### *Title*

This order may be cited as Clemency Order No. 1 of 2023.

##### *Remission of Sentence for Convicted Female Prisoners*

1. A full remission of the remaining period of imprisonment is hereby granted to all convicted female prisoners, save for those convicted of specified offences. The inmate should have served one third (1/3) of the sentence by 18th April, 2023.

##### *Remission of Sentence for All Juveniles*

2. Full remission of the remaining period of imprisonment for all juveniles under the age of eighteen (18) years irrespective of the offence and save for those convicted for public violence. The inmate should have served one third (1/3) of the sentence by 18 April 2023. Age determination will be based on the birth certificate or dental age estimation of the concerned prisoner.

##### *Remission for Prisoners Sentenced to 48 Months and Below*

3. Full remission of the remaining period of imprisonment is hereby granted to all those prisoners serving an effective period of forty-eight (48) months and below and who would have served a 1/3 of their sentence by 18th April, 2023 provided they are not convicted for specified offences.

##### *Remission of Sentence on Medical Grounds*

4. Full remission of the remaining period of imprisonment is hereby granted to all inmates certified terminally ill by a Correctional Medical Officer or a Government Medical Officer (GMO) regardless of offence. The department of Correctional Services should liaise with Social Welfare so that there is continuity of treatment after release.

##### *Remission of Sentence for Prisoners at Open Prison*

5. Full remission of sentence is hereby granted to all inmates serving terms of imprisonment at the Open Prison regardless of offences committed.

### *Remission of Sentence for Prisoners Aged 60 Years and Above*

6. Full remission of the remaining period of imprisonment for all prisoners aged sixty (60) years and above, and who would have served one tenth (1/10) of their sentence by 18th April, 2023 regardless of offence committed and save for those sentenced to life imprisonment, death and those convicted for public violence.

### *Remission of Sentence for Prisoners Serving for Specified Offences*

7. Full remission of the remaining period of imprisonment is hereby granted to all those inmates serving for specified offences provided the inmate would have served three quarters (3/4) of the sentence after the usual one third (1/3) remission by 18th April, 2023. Inmates serving for public violence, robbery, treason, Electricity Act, Postal and Telecommunications Act and Public Order and Security Act/ Maintenance of Peace and Order Act are excluded.

### *Remission of Sentence to Prisoners Sentenced to Life Imprisonment*

8. Full remission of the remaining period is hereby granted to all those inmates who would have served life imprisonment for at least twenty (20) years. This includes:

- (a) inmates sentenced to life imprisonment;
- (b) inmates whose sentences were commuted from death to life imprisonment. In this case the period of 20 years will include the period when the inmate was serving as a Prisoner under sentence of death;
- (c) inmates whose sentences were altered to life imprisonment on appeal or review.

### *Commutation of Death to life imprisonment.*

9. Commutation of the death sentence to life imprisonment is hereby granted to all inmates who have been on death row for ten years and above.

### *Remission of Sentence for Disabled Prisoners*

10. Full remission of the remaining period of imprisonment is hereby granted to all inmates who are certified by a Correctional Medical Officer or a Government Medical Officer to be blind, and those who are physically challenged to the extent that they cannot be catered for in a Prison or Correctional environment regardless of offence committed.

### *Quarter Remission for Inmates Serving Effective Sentence Above 48 Months*

11. An additional one quarter remission of the effective term of imprisonment to those prisoners who were sentenced to more than 48 months and who would have served at least one third (1/3) of the sentence. This category is not meant to benefit inmates serving for specified offences.

## *Prisoners Excluded from the Proposed Amnesty*

12. Prisoners to be excluded from the proposed general amnesty are the following:

- (a) any prisoner who was previously released on amnesty;
- (b) any person serving a sentence imposed by Court Martial;
- (c) any person who has a record of escaping from lawful custody;
- (d) any inmate convicted of committing any specified offence.

### *Specified Offences*

13. For the purpose of this amnesty “specified offence” includes:

- (a) Murder;
- (b) Treason;
- (c) Rape or any sexual offence;
- (d) Carjacking;
- (e) Robbery;
- (f) Public violence;
- (g) Human trafficking;

- (h) Unlawful possession of firearm;
- (j) Contravention of the Electricity Act;
- (k) Contravention of the Postal and Telecommunications Act;
- (l) Contravention of the Public Order and Security Act/  
Maintenance of Peace and Order Act;
- (m) Any conspiracy, incitement or attempt to commit any of the offences listed above.

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

**PRESIDENT**

---