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General Notice 257A of 1988.

**CONSTITUTION OF ZIMBABWE**

**Clemency Order No. 1 of 1988. General Amnesty**

IT is hereby notified that the Acting President has made the order set out in the Schedule.

E. D. MNANGAGWA,  
Minister of Justice, Legal and  
Parliamentary Affairs.

3-5-88.

SCHEDULE

CLEMENCY ORDER NO. 1 OF 1988.

GENERAL AMNESTY

As part of the continuing celebrations of the installation of the first Executive President of Zimbabwe and in order to consolidate the unity of all the people of Zimbabwe, I do hereby make the following order in terms of section 31I of the Constitution of Zimbabwe:—

1. This order may be cited as the Clemency Order No. 1 of 1988.

*Interpretation*

2. For the avoidance of doubt, references in this order to dissidents and their activities do not apply to any person who has acted as the agent, or in the interests, of any foreign State or foreign organization or to his activities as such.

*Pardon for dissidents*

3. (1) Subject to subparagraph (2), a free pardon is hereby granted to every dissident in respect of any offence committed by him before the 19th April, 1988, in the course of or in connexion with his activities as a dissident and for the purpose of promoting or furthering any objective relating to the form or mode of government of Zimbabwe.

(2) Subparagraph (1) applies only to persons who were at large on the 19th April, 1988, and who on or before the 31st May, 1988, report to the police in order to claim the benefit of this pardon.

*Pardon for collaborators with dissidents*

4. A free pardon is hereby granted to every person in respect of any offence involving collaboration with dissidents, including any offence under section 51 of the Law and Order (Maintenance) Act [Chapter 65], committed by him before the 19th April, 1988.

*Pardon for PF ZAPU political fugitives from justice*

5. (1) A free pardon is hereby granted to every PF ZAPU political fugitive from justice in respect of every offence committed by him in good faith before the 19th April, 1988, for the purpose of promoting or furthering the objectives or interests of PF ZAPU.

(2) For the purposes of subparagraph (1), "PF ZAPU political fugitive from justice" means any member or former member of PF ZAPU who, as at the 19th April, 1988, had left or was remaining outside Zimbabwe in order to avoid criminal proceedings being taken or continued against him in respect of any offence referred to in subparagraph (1).

*General remission of imprisonment*

6. (1) Subject to subparagraphs (2), (3) and (4), every person serving a determinate period of imprisonment who, on the 19th April, 1988, had—

- (a) already served not less than one-third of his period of imprisonment; and
- (b) twelve months or less of his period of imprisonment still to serve;

is hereby granted a remission of the remainder of his period of imprisonment.

(2) Subparagraph (1) does not apply—

- (a) to any habitual criminal serving a sentence of extended imprisonment; or
- (b) to any person who escaped from prison custody on or before the 18th April, 1988, and was still at large on the 19th April, 1988; or
- (c) in respect of any sentence for a specified offence.

(3) Subparagraph (1) is intended solely to bring about the release forthwith of the persons concerned from periods of imprisonment being served on the 19th April, 1988. In all other respects, every sentence of imprisonment to which a released person is subject will remain in full force and effect; in particular, where the released person was serving the unsuspended part of a sentence of imprisonment part of which was suspended on conditions, the suspended part of the sentence will remain of full force and effect and will be liable to be served if such conditions are contravened.

(4) For the purposes of this paragraph—

"imprisonment" includes detention imposed under the Defence Act [Chapter 94];

"period of imprisonment", in relation to a person who, on the 19th April, 1988, was subject to two or more effective terms of imprisonment, means—

- (a) where the sentences are running concurrently, the period of the longer or longest sentence;
- (b) where the sentences are not running concurrently, the aggregate of the several sentences of imprisonment;

"specified offence" means—

- (a) murder, armed robbery, robbery, rape, house-breaking with intent to commit any offence, theft, fraud, bribery, any offence under the Prevention of Corruption Act, 1985, or any offence involving the importation, exportation, dealing in or possession of the drug commonly known as mandrax;
- (b) any conspiracy, incitement or attempt to commit any offence referred to in paragraph (a);
- (c) being an accessory after the fact to any offence referred to in paragraph (a) or (b).

Given under my hand at Harare this twenty-eighth day of April, 1988.

S. V. MUZENDA,  
Acting President.

By command of the Acting President.

E. D. MNANGAGWA,  
Minister of Justice, Legal and Parliament Affairs.

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