

**Government Notice 85A of 2008
(Corrected by GN 91 of 2008)**

CLEMENCY ORDER NO.1 OF 2008

SCHEDULE

Title

1. This order may be cited as Clemency Order No. 1 of 2008.

Remission of sentence for women convicted of infanticide, abortion or termination of pregnancy, concealment of birth and abandonment or exposure of a child

2. A remission of the remainder of the period of imprisonment is hereby granted to those female prisoners convicted of infanticide, unlawful termination of pregnancy, abandonment or exposure of a child or concealment of birth under Chapter V of the Criminal Law Code and sentenced to a determinate sentence.

Remission of sentences for prisoners sentenced to 36 months and below

3. A full remission of sentence is hereby granted to those prisoners sentenced to a term of imprisonment of 36 months or under and who will have served at least a quarter of their sentence as at 16th June, 2008.

Remission of sentence for prisoners at Connemara Open Prison

4. A full remission of sentence of imprisonment is hereby granted to all prisoners who were serving sentences of imprisonment at Connemara Open Prison as at 16th June, 2008.

Remission of sentences for all prisoners aged at 60 and above

5. A full remission of sentence of imprisonment is hereby granted to all prisoners aged 60 and above who were serving determinate sentences as at 16th June, 2008, provided they did not commit a specified offence.

Remission of sentence for terminally ill prisoners

6. A full remission of the remaining term of imprisonment is hereby granted to prisoners who are terminally ill and are certified by Prison Medical Officers or by a Government Medical Officer to be unable to survive their sentences, provided they did not commit a specified offence.

Remission of sentence for all prisoners convicted of culpable homicide

7. A full remission of the remaining term of imprisonment is hereby granted to all prisoners convicted of culpable homicide and sentenced to a determinate sentence as at 16th June, 2008.

Persons excluded from this amnesty

8. The following persons are excluded from this amnesty—

- (a) any habitual criminal serving a sentence of extended imprisonment;
- (b) and any person under sentence of death; and
- (c) any person serving a sentence imposed by a court martial; and
- (d) any person who escaped from lawful custody; and
- (e) any person serving a sentence of imprisonment for a specified offence; (f) any person on bail pending appeal against conviction or sentence or both.

Definitions

9. For the purposes of this amnesty—

“specified offence” means—

- (a) murder or any offence committed under Chapter III of the Criminal Law Code;
- (b) offence committed under Part II of the Public Order and Security Act [*Chapter 11:17*], or under the Official Secrets Act [*Chapter 11:09*];
- (c) rape or offences committed under Part III of Chapter V of the Criminal Law Code;
- (d) theft of motor vehicle including car jacking, receiving a stolen motor vehicle, stock theft, house breaking and theft, robbery, fraud and offences committed under the Prevention of Corruption Act [*Chapter 9:16*];
- (e) cultivation or possession or importation or manufacture of dagga for commercial purposes or importation of or dealing in or possession of cocaine, mandrax, LSD, or any other harmful drugs in contravention of the

Dangerous Drugs Act [*Chapter 15:05*], the Medicines and Allied Substances Control Act [*Chapter 15:03*] or Chapter VII of the Criminal Law Code;

- (f) any conspiracy, incitement or attempt to commit any of the offences referred to in paragraph (a), (b), (c), (d) or (e) above;
- (g) being an accessory after that fact to any of the offences referred to in paragraph (a), (b), (c), (d) or (e) above.

[Subparagraphs renumbered by GN91 of 2008]