



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N\$4.00

WINDHOEK - 3 May 2024

No. 8359

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Proclamation

by the

PRESIDENT OF THE REPUBLIC OF NAMIBIA

No. 14

2024

ANNOUNCEMENT OF GRANTING OF PRESIDENTIAL PARDON OR REPRIEVE TO CERTAIN CATEGORIES OF SENTENCED OFFENDERS: NAMIBIAN CONSTITUTION

In terms of Sub-Article (8) of Article 32 of the Namibian Constitution, I announce that I have, under the powers vested in me by Sub-Article (3)(d) of that Article and in commemoration of the 34th anniversary of the Independence of the Republic of Namibia on 21 March 2024, granted pardon or reprieve to certain categories of sentenced offenders as set out in the Schedule.

Given under my Hand and the Seal of the Republic of Namibia at Windhoek this 29th day of April Two Thousand and Twenty Four.

N. MBUMBA

President

BY ORDER OF THE PRESIDENT

SCHEDULE**PART 1****CERTAIN CATEGORIES OF SENTENCED OFFENDERS PARDONED**

1. Subject to Part 3, the following categories of sentenced offenders have been pardoned:
 - (a) those serving sentences of imprisonment whose conditional release on full parole has, on or before 21 March 2024, been approved under the Correctional Service Act, 2012 (Act No. 9 of 2012);
 - (b) those serving sentences of imprisonment who have served at least two-thirds of their sentences and whose conditional release on remission of sentence has, on or before 21 March 2024, been approved under the Correctional Service Act, 2012 (Act No. 9 of 2012);
 - (c) those serving sentences of imprisonment of 12 months or less, who, on or before 21 March 2024, have served at least half of their sentences;
 - (d) those serving sentences of imprisonment of 12 months or less, who, on 21 March 2024, have not yet served half of their sentence, in which case the pardon becomes effective only on the date that they complete serving half of their sentences;
 - (e) those of the age of 60 years or older serving sentences of imprisonment who, on or before 21 March 2024, have served at least half of their sentences and maintained meritorious conduct and discipline in correctional facilities and who, once released, are unlikely to pose any risk to society;
 - (f) those of the age of 60 years or older serving sentences of imprisonment who, on 21 March 2024, have not yet served half of their sentences and maintained meritorious conduct and discipline in correctional facilities and who, once released, are unlikely to pose any risk to society, in which case the pardon becomes effective only on the date that they complete serving half of their sentences;
 - (g) those who, on or before 21 March 2024, have been medically declared to be permanently bedridden by a medical practitioner referred to in section 23(3) of the Correctional Service Act, 2012 (Act No. 9 of 2012);
 - (h) those under the age of 18 years serving sentences of imprisonment who, on or before 21 March 2024, have served at least half of their sentences and maintained meritorious conduct and discipline in correctional facilities and who, once released, are unlikely to pose any risk to society; and
 - (i) those under the age of 18 years serving sentences of imprisonment who, on 21 March 2024, have not served at least half of their sentences and maintained meritorious conduct and discipline in correctional facilities and who, once released, are unlikely to pose any risk to society, in which case the pardon becomes effective only on the date that they complete serving half of their sentences.

PART 2
CERTAIN CATEGORIES OF SENTENCED OFFENDERS REPRIEVED

2. Subject to Part 3, the following categories of sentenced offenders are reprieved for a period of three months:
 - (a) those serving sentences of imprisonment of more than 12 months but not more than three years, who, on or before 21 March 2024, have served at least half of their sentences and maintained meritorious conduct and discipline in correctional facilities and who, once released, are unlikely to pose any risk to society; and
 - (b) those serving sentences of imprisonment of more than 12 months but not more than three years, who, on 21 March 2024, have not yet served half of their sentences and maintained meritorious conduct and discipline in correctional facilities and who, once released, are unlikely to pose any risk to society, in which case the reprieve becomes effective only on the date that they complete serving half of their sentences.
3. Subject to Part 3, the following categories of sentenced offenders are reprieved for a period of six months:
 - (a) those serving sentences of imprisonment of more than three years but not more than six years, who, on or before 21 March 2024, have served at least half of their sentences and maintained meritorious conduct and discipline in correctional facilities and who, once released, are unlikely to pose any risk to society;
 - (b) those serving sentences of imprisonment of more than three years but not more than six years, who, on 21 March 2024, have not yet served half of their sentences and maintained meritorious conduct and discipline in correctional facilities and who, once released, are unlikely to pose any risk to society, in which case the reprieve becomes effective only on the date that they complete serving half of their sentence; and
 - (c) those under the age of 18 years serving sentences of imprisonment who, on or before 21 March 2024, have served at least one-third of their sentences and maintained meritorious conduct and discipline in correctional facilities and who, once released, are unlikely to pose any risk to society.
4. Subject to Part 3, the following categories of sentenced offenders are reprieved for a period of 12 months:
 - (a) those serving sentences of imprisonment of more than six years but not more than 12 years, who, on or before 21 March 2024, have served at least half of their sentences and who are assessed as being a low risk, maintained meritorious conduct and discipline in correctional facilities and who, once released, are unlikely to pose any risk to society;
 - (b) those serving sentences of imprisonment of more than six years but not more than 12 years, who, on 21 March 2024, have not yet served half of their sentences and who are assessed as being a low risk, maintained meritorious conduct and discipline in correctional facilities and who, once released, are unlikely to pose any risk to society, in which case the reprieve becomes effective only on the date they complete serving half of their sentence;
 - (c) those serving sentences of imprisonment of more than six years but not more than 12 years, who, on or before 21 March 2024 have served at least half of

their sentences and are assessed as being a high risk, successfully completed rehabilitation interventions targeted towards addressing their risk factors and maintained meritorious conduct and discipline in correctional facilities and who, once released, are unlikely to pose any risk to society; and

- (d) those serving sentences of imprisonment of more than six years but not more than 12 years, who, on 21 March 2024, have not yet served half of their sentences and who are assessed as being a high risk, successfully completed rehabilitation interventions targeted towards addressing their risk factors and maintained meritorious conduct and discipline in correctional facilities and who, once released, are unlikely to pose any risk to society, in which case the reprieve becomes effective only on the date that they complete serving half of their sentence.
5. Subject to Part 3, the following categories of sentenced offenders are reprieved for a period of 18 months:
- (a) those serving sentences of imprisonment of more than 12 years, who, on or before 21 March 2024, have served at least half of their sentences and who are assessed as being a low risk, maintained meritorious conduct and discipline in correctional facilities and who, once released, are unlikely to pose any risk to society;
 - (b) those serving sentences of imprisonment of more than 12 years, who, on 21 March 2024, have not yet served half of their sentences and who are assessed as being a low risk, maintained meritorious conduct and discipline in correctional facilities and who, once released, are unlikely to pose any risk to society, in which case the reprieve becomes effective only on the date that they complete serving half of their sentences;
 - (c) those serving sentences of imprisonment of more than 12 years, who, on or before 21 March 2024, have served at least half of their sentences and who are assessed as being high risk, successfully completed rehabilitation interventions targeted towards addressing their risk factors and maintained meritorious conduct and discipline in correctional facilities and who, once released, are unlikely to pose any risk to society; and
 - (d) those serving sentences of imprisonment of more than 12 years, who on 21 March 2024, have not yet served half of their sentences and who are assessed as being high risk, successfully completed rehabilitation interventions targeted towards addressing their risk factors and maintained meritorious conduct and discipline in correctional facilities and who, once released, are unlikely to pose any risk to society, in which case the reprieve becomes effective only on the date that they complete serving half of their sentence.

PART 3
EXCLUSION FROM PARDON OR REPRIEVE

6. Except for paragraphs 1(g) and 3(c), the pardon or reprieve granted does not apply to the following categories of sentenced offenders:
- (a) sentenced offenders who are convicted of any of the following offences:
 - (i) murder;
 - (ii) rape;

- (iii) treason;
 - (iv) assault, when dangerous wound is inflicted;
 - (v) robbery;
 - (vi) offence relating to illicit possession, conveyance or supply of dependence-producing drugs as defined in section 1 of the Abuse of Dependence-Producing Substances and Rehabilitation Centres Act, 1971 (Act No. 41 of 1971);
 - (vii) any offence under the Nature Conservation Ordinance, 1975 (Ordinance No. 4 of 1975) for unlawful hunting of specially protected game where the value involved in the offence exceeds N\$5 000;
 - (viii) any offence under the Controlled Wildlife Products and Trade Act, 2008 (Act No. 9 of 2008) for unlawful dealing in any controlled wildlife product where the value involved in the offence exceeds N\$5 000;
 - (ix) illicit dealing in or smuggling of ammunition, firearms, explosives or armaments;
 - (x) an offence relating to money laundering;
- (b) sentenced offenders who have been released under any previous presidential pardon or reprieve since Namibia's Independence and have again been convicted of any offence committed after they have been pardoned or reprieved;
 - (c) sentenced offenders who, on 21 March 2024, have further charges pending, unless found not guilty upon the finalisation of the further charge, in which case the pardon or reprieve is to be granted as outline in paragraph 1, 2, 3, 4 or 5;
 - (d) sentenced offenders who previously were released on parole or remission of sentences but violated the parole or remission conditions by committing other offences while on parole or remission of sentences;
 - (e) sentenced offenders who escaped or attempted to escape from correctional facilities or the custody of the correctional officer; and
 - (f) sentenced offenders charged in a disciplinary hearing or criminally of assaulting a correctional officer, unless found not guilty of the charge, in which case the pardon or reprieve is to be granted as outline in paragraph 1, 2, 3, 4 or 5.
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