

***SUBSIDIARY LEGISLATION***

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**THE CONSTITUTION OF THE UNITED REPUBLIC OF TANZANIA  
(CAP.2)**

**INSTRUMENT**

*Made under Article 45 (1)(d)*

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WHEREAS Article 45(1)(d) of the Constitution of the United Republic of Tanzania, 1977, empowers the President of the United Republic to remit the whole or any part of any punishment imposed on any person for any offence;

AND WHEREAS the President of the United Republic is minded to grant remission of certain categories of prisoners;

AND WHEREAS I, JOHN POMBE MAGUFULI, President of the United Republic of Tanzania I am satisfied that there are sufficient reasons to warrant the exercise of these powers in respect of prisoners held for various offences and now serving the sentence of imprisonment at different prisons;

NOW THEREFORE, in exercise of the said powers conferred on the President by Article 45(I)(d) of the Constitution of the United Republic, I, JOHN POMBE MAGUFULI, President of the United Republic of Tanzania do hereby order as follows:

Citation

1. This Instrument may be cited as the Constitution (Grant of Remission) Order, 2016, and shall come into

operation on the 26<sup>th</sup> day of April, 2016, hereinafter referred to as “the effective date”.

Remission of sentence

2. Subject to paragraph 3 of this Instrument, the remainder of the sentence of-

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- (a) a prisoner serving a term of imprisonment other than the prisoners specified under paragraph 3 of this Instrument is hereby remitted for a further term of one-sixth in addition to the remission conferred under section 49(1) of the Prisons Act except prisoners listed under paragraph 3(a-t);
- (b) a prisoner certified by the appropriate medical panel chaired by the respective Regional or District Medical Officer to have being suffering from a terminal diseases such as AIDS,TB or Cancer,;
- (c) a prisoner certified by the appropriate medical panel chaired by the respective Regional or District Medical Officer as being of or above the age of seventy;
- (d) a female prisoner who was pregnant at the time of incarceration and includes a woman prisoner who is breast feeding or weaning a baby;
- (e) a prisoner certified by the appropriate medical panel chaired by the respective Regional or District Medical Officer as having a permanent physical or mental incapacity;

Is hereby remitted.

Restriction on remission

3. The remission granted under paragraph 2 of this Instrument shall not apply to any prisoner who, before the effective date-

- (a) was convicted and sentenced to death;
- (b) was convicted and sentenced to death for murder but such sentence was commuted to life imprisonment or a term of imprisonment

- (c) was convicted and sentenced to life imprisonment;
- (d) was convicted and sentenced for the offence of trafficking in dangerous drugs such as cocaine, heroine or any other dangerous drug;
- (e) was convicted and sentenced for corruption offences, including soliciting and accepting bribery;
- (f) was convicted and sentenced for robbery with violence, armed robbery or attempt robbery;
- (g) was convicted and sentenced for being in unlawful possession of firearms, ammunition or explosives;
- (h) was convicted and sentenced for indecent assault, defilement, rape, unnatural offence or an attempt to commit such offences;
- (i) was convicted and sentenced for the offence of impregnating a Primary or Secondary School girl and at the time of commission of the offence, the prisoner was of the age of eighteen or above;
- (j) was convicted and sentenced for car or motorcycle theft, or an attempt to commit such offences;
- (k) is serving the sentence on parole or under community service program;
- (l) was convicted and sentenced for the offence of abuse of power and office;
- (m) was granted any remission other than one third conferred under section 49(1) of the Prisons Act, and is currently serving the remainder of the sentence;
- (n) was convicted and sentenced for an offence of curtailing children from pursuing education;
- (o) was convicted and sentenced for the offence of kidnapping children, abduction or human trafficking;

- (p) was convicted and sentenced for the offence of unlawful possession of biological human organs assault or cruelty against a person with albinism;
- (q) was convicted and sentenced for the offence of unlawful possession of Government trophies or an offence relating to poaching;
- (r) was convicted and sentenced for an offence involving embezzlement of public funds;
- (s) escaped or attempted to escape from prison or any lawful custody and is currently serving sentence for such offence; and
- (t) any prisoners admitted into prison after 26<sup>th</sup> February, 2016.

Dar es Salaam,  
23<sup>rd</sup> April, 2016

JOHN POMBE MAGUFULI  
*President*