

MEMORANDUM FOR THE CABINET
BY THE HON. MINISTER OF JUSTICE

Proposed amnesty on the occasion of Independence

It is felt that the proposed amnesty to mark the attainment of Independence should not be on an individual basis related to case history, but should be considered in the nature of a gesture applicable to all prisoners. Indeed this is what was done on the recent occasion of the inauguration of the First Legislature under the 1961 Constitution and, before that, on the occasion of the Pauline celebrations in 1960, the Coronation in 1953 and the Archbishop's Silver Jubilee in 1949. It appears that the 1947 amnesty was on an individual basis.

On the occasion of the inauguration of the First Legislature under the 1961 Constitution a flat rate of one month remission for every twelve months was in general adopted. But on the occasion of the Pauline celebrations the "flat percentage" system had been discarded in favour of the more scientific "graded" system. It is only reasonable that the benefit afforded to the long-term prisoner (convicted of a graver offence) should be somewhat less than that afforded to the short-term prisoner (convicted of a lesser offence). The prisoner convicted of murder who was sentenced to 20 years hard labour should not obtain the same rate of remission as the petty thief.

The following scale is therefore recommended:

- A.I. Sentences restrictive of personal liberty -
- (a) not exceeding two years - a remission of three months for every year or one-fourth remission;
 - (b) exceeding two years but not exceeding six years - a remission of two and a half months for every year or five-twentyfourths remission; and
 - (c) exceeding six years but excluding life sentence - a remission of two months for every year or one-sixth remission.

II. The amnesty will not apply to or affect any fines or pecuniary penalties, and any prisoner who is guilty of misconduct and thereby loses his ordinary one-third remission will also forfeit any remission due to him under the amnesty.

This compares favourably with the Coronation amnesty, when prisoners benefitted by three months for every year, except that the maximum one-fourth remission tapers down slightly in the scale, but as against this it must be borne in mind that this is the sixth amnesty since 1947.

There is only one subsisting case of a life sentence, i.e. that of Patiniott, which was commuted from a death sentence and it is recommended that it should be reduced to twenty years.

4th September, 1964