



THE OFFENDERS EDUCATION ACT
ACT NO. 3 OF 2007
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ACT NO. 3 OF 2007

I ASSENT

**{AMANI ABEID KARUME}
THE PRESIDENT OF ZANZIBAR AND
CHAIRMAN OF THE REVOLUTIONARY COUNCIL**

21ST MARCH 2007

AN ACT TO AMEND THE OFFENDERS EDUCATION ACT NO. 1 OF 1980

ENACTED by the House of Representatives of Zanzibar

Short title and
Commencement.

1.(1) This Act may be cited as the Offenders Education (Amendment) Act, 2007 and shall come into operation immediately after being assented to by the President.

(2) This Act shall be read as one with the Offenders Education Act No. 1 of 1980 in this Act referred to as "Principal Act."

Amendment of
the Offenders
Education Act
No. 1 of 1980.

2. The provisions of the Offenders Education Act No. 1 of 1980 are hereby amended in the manner provided in this Act.

Amendment of
Section 2.

3. Section 2 of the Principal Act is hereby amended as follows:

- (i) by adding the following definitions in the alphabetic order:



"Centre" means a centre of the Offenders Education Centres;

"Young person" means a child of the age between 12 and 17;

"Executive Committee" means a Committee responsible for executive decision of the Department;

"Remission" means a reduction of one third of a trainees sentence;

"NCO's" means an officer of the rank of Corporal to RSM;

"President" means the President of Zanzibar and Chairman of the Revolutionary Council;

"Cell" means a sleeping room for trainees and remand;

"Commission" means the Special Department Service Commission.

(ii) by deleting the definition of the word "institute" and wherever the word "institute" appears in the Act should be substituted to the word "Department."

Amendment of Section 3.

4. Section 3 of the Principal Act is hereby amended as follows:

(i) by deleting subsection (1) thereof and replace with the following new subsection (1):

"(1) There shall be a Special Department of correction and vocational training to the offenders known as Department of Educational Centers".



- (ii) by deleting subsection (3) thereof and replace with the following:

“(3) The Department shall be responsible for the supervision of the Education Centres.”

Amendment of Section 4.

5. Section 4 of the Principal Act is hereby amended as follows:-

- (i) in subsection (1) by deleting that subsection and substituting for the following:-

“(1) The President may through official Gazette declare the establishment of Education Centre in any part of Unguja and Pemba.”

- (ii) In subsection (2) (b) by deleting paragraphs (iii) and (iv) and substituting for the following:-

“(iii) Construction works,

(iv) Car repairs”

- (iii) by adding new paragraphs (c), (d), (e) and (f) as follows:

(c) to keep the accused persons

(d) in cooperation with other institutions like Police and Office of Public Prosecutions, to send and returns remandees to the Court.

(e) to preserve peace and security in cooperation with other security organs.

(f) cleaning the surroundings of the Education Centres.



Amendment of
Section 6.

6. Section 6 of the Principal Act is deleted and substituted for the following new section:

- "6.(1) The Commissioner, by following the orders and directions of the President shall have the responsibility for administration, giving guidelines and directions to the Education Centres.
- (2) The Commissioner may delegate his power under this Act to the Deputy Commissioner as he deems fit.
- (3) The Commissioner shall have the power to allow visitors or organizations of humanitarian assistance to enter the centres.
- (4) The Commissioner after consultation with the Minister shall allow special visitors to visit the centres.

Addition of a
new section 6A.

7. The Principal Act is hereby amended by adding new section 6A immediately after section 6 as follows:

"Executive Committee 6A. There shall be an Executive Committee whose members and duties are as provide in the regulations."

Addition of a
new Section 7A.

8. The Principal Act is hereby amended by adding new section 7A immediately after section 7 as follows:-

"Departments of Education Centres. 7A (1) There shall be the following departments of the Education Centres:

- (a) Department of Administration and finance
- (b) Department of Law and Correction



(c) Department of Resource Production

(2) The Minister in consultation with the President may establish another department if he deems necessary.

(3) There shall be a Head of the Department of Administration and Finance who shall have administration functions, supervision of budget of the Department, supervision of revenue and expenditure and shall discharge other functions assigned by the Commissioner.

(4) There shall be a Head of the Department of Law and Correction who shall supervise all matters relating to laws regulating officers, and trainees and he shall also supervise all correction activities of the trainees.

(5) There shall be a Head of Resource Production who shall supervise production activities including construction, farming, livestock and other production projects."

Addition of a new Section 8A.

9. The Principal Act is hereby amended by adding a new section 8A immediately after section 8 as follows:-

"Appointment of Head of Departments.

8A. The Head of Departments mentioned in section 7A shall be appointed by the Minister on the recommendation of the Commissioner."

Addition of Part II A.

10. The Principal Act is hereby amended by adding new Part IIA as follows:-

PART IIA
Powers, Duties and Privileges of Officers and Soldiers



"Powers and duties of officers.

9.(1) Every officer shall use his power and perform his duties vested in him by the law in accordance with his rank and shall obey all lawful directions provided time to time by his leaders.

(2) Every officer shall be taken to be on duty all the time or any time when assigned to work in any part of Zanzibar or outside Zanzibar."

"Circumstances whereby officer of the Centre may discharge the duties of police.

10. Every officer shall have the powers of discharging the police duties when he has the responsibility of taking or sending the trainee to the centre in order to preventing escape of any trainee or for the purpose of preventing an attack to the trainee and shall have powers of searching the house entered by a trainee or remandee who has absconded without search warrant."

"Apprehension of a trainee who has escaped.

11. Any Officer who has valid reasons of suspecting that a trainee or remandee has escaped shall apprehend a trainee or remandee who escaped without a warrant and shall take him to police as soon as possible."

"To search person or vehicle.

12.(1) Any Officer may search anything brought in or out of the centre and may stop and search any person who enters or leave the centre.

(2) An Officer may search any vehicle parked near trainee without permission if he suspects that the vehicle has prohibited things:



(3) Any officer shall have the power to search a trainee or remandee and his belonging for the purpose of preserving security in the centre.

(4) Any Officer on duty may stop any person who refused to be searched from entering the centre.

(5) Any officer on duty may order any person who refused to be searched to leave the Centre and if he refuses to leave he may be removed by force.

(6) If while stopping a person or vehicle under subsection (1) of this section the officer sees any prohibited thing or any Government property used by the centre, may immediately apprehend the person or a person who posses that thing and shall handover that person or the person who posses that thing to a police and if there is no police he shall be taken to a police station which is near to the centre.

(7) Under this section a women shall be searched by a female officer."

"The use of force by officer of the centre.

13.(1) Any officer may use reasonable force against a trainee if he sees it necessary in order to make a trainee obey the lawful orders which he refused to obey or in order to preserve peace in the Centre.

(2) Any officer may use a live weapon given to him against a trainee or remandee if he:



- (a) escapes or tries to escape and refused to obey order when asked to return;
- (b) seen to collaborate with other trainees or person in breaking or trying to break or is assisted to escape and refused to obey the order;
- (c) endangers or intends to cause harm to the officer of the Centre or to any person and if the use of that weapon is a reasonable way to neutralize that trainee.

(3) No Officer shall use live weapon except on the order of his superior unless that officer has been assigned guarding duties and has no Superior Officer and the use of live weapon shall be the last resort after all other means have failed.

"Powers to take finger prints.

14. Officer in charge or any officer authorized by the Commissioner may order measurements, photographs and fingerprints of the trainee or remandee to be taken and those records to be preserved."

"Defence against action taken.

15. Any act done by an officer in good faith or in executing order of the court or any organ which has the authority shall be his defence after showing the document or evidence of the thing complained of."

"The College for training Officers.

16.(1) There shall be a college for training officers."



(2) The College for training officers shall issue certificates according to the course taken.

"Privileges for Officers.

17. Officers shall be given salary and allowance and other privileges including payment of compensation as prescribed by the regulations and Special Department Service Commission Act."

"Contract of Service.

18.(1) Every Officer immediately after completing basic training shall fill the contract of service in accordance with the procedure of the Educational Centres.

(2) An officer may voluntarily quit his job after completing his contract and shall be given all his benefits including gratuity and pension if he has fulfilled the conditions prescribed in the regulations of the Special Department Service Commission.

(3) The contract for every officer shall be for a period of three years and at the end of that period, that officer shall have a privilege of extending his contract after applying to the Commissioner.

(4) The Commissioner may after being satisfied with the performance and health of the officer agree to extend the contract."

Amendment of Part III.

11. The Principal Act is hereby amended by changing the numbers of provisions of Part III to Part XIV, instead of starting with 9 it shall start with 19 and continuing in that order immediately after this Act has been assented to.



Amendment of
Section 9.

12. Section 9 of the Principal is hereby amended by adding new paragraph (ff) and the existing one shall be (gg) as follows:-

“(ff) has sexual intercourse with female trainees.”

Amendment of
Section 10.

13. Section 10 of the Principal Act is hereby amended by adding paragraphs (h) and (i) as follows:

“(h) suspension of contract

(i) termination of employment”

Amendment of
Section 18.

14. Section 18 of the Principal Act is hereby amended as follows:

(i) by adding paragraphs (f) and (g) as follows:

(f) The Director of Public Prosecutions of Zanzibar

(g) The District Commissioner in his area

(ii) By adding new subsections (4) and (5) immediately after subsection (3) as follows:-

“(4) Female visiting justice shall inspect the place where trainees live and male remandees shall be under special supervision, and male visiting justice shall inspect the place where trainees live and female remandees shall be under special supervision.

(5) The visiting justice shall inspect the Centre at any time during working hours after informing the Commissioner.

Amendment of
Section 20.

15. Section 20(1) of the Principal Act is hereby amended by adding paragraph (e) immediately after paragraph (d) as follows:-

“(e) to examine the health of trainees and remandees.



Addition of a new Section 26A.

16. The Principal Act is hereby amended by adding a new section 26A immediately after section 26 as follows:-

"Registration of the properties of trainees and remandees.

26A (1) Properties of the trainees and remandees shall be registered and written in a special register and those shall be returned to trainees after completing their time and to remandees when they go to Court.

(2) The Centre shall preserve those properties which can be preserved for a long period in the Centre.

Amendment of Section 26.

17. Section 26 of the Principal Act is hereby amended by adding the following offence immediately after paragraph (41) as follows:

"(42) have sexual intercourse."

Amendment of Section 28.

18. Section 28 of the Principal Act is hereby amended by deleting punishment (a) and (d).

Amendment of Section 31.

19. Section 31 of the Principal Act is deleted and substituted with the new section 31 as follows:-

"31. A trainee may lose his remission by committing the following offences.

- (a) Mutiny or incitement;
- (b) Personal violence to an officer or another trainee;
- (c) Trying to escape or assisted to escape."

Addition of a new Section 67A.

20. The Principal Act is hereby amended by adding a new Section 67A immediately after section 67 as follows:-



"Procedure of buying a trainee.

67(A) Immediately after execution of a trainee the corpse of the trainee shall be given to his, next of kin and relatives for burial and if it is not possible to inform them the Department shall bury the corpse."

Amendment of Part XV.

21. The Principal Act is hereby amended by adding a new Part XVA immediately after Part XV as follows.

PART XVA

OFFENCES RELATING TO THE CENTRE

"Offence for wearing a uniform.

78.(1) Any person who:

- (a) wears a uniform, rank, stripe or other attachments intending to deceive;
- (b) wears a uniform, rank, badge or anything which according to his appointment, rank or status is not allowed to wear.
- (c) Conceals or assists to conceal a trainee or remandee who has escaped;
- (d) is found with a uniform, rank or badge when he is not allowed by Commissioner to wear those things.

shall be guilty of an offence and upon conviction shall be liable to pay a fine of not less than Shs. 500,000 or an imprisonment for a term of one year or both.



"Punishment for assisting to escape.

79. Any person who assists a trainee in anyway so that :-

- (a) he escapes or tries to escape or make his escape easier;
- (b) he smuggles in or ordered to be smuggled in or out of the centre or any place where a trainee may go to work, by a letter or any gesture which persuade the trainee to escape or act contrary to the procedures or show intention of assisting a trainee to escape or act contrary to laid down procedures; shall be guilty of an offence and upon conviction shall be liable to imprisonment for a term of not less than 7 years.

"Penalty for wandering, communicating etc. in area of the centre.

80. Any person who:

- (a) is found wandering in the area of the Centre in a distance of 50 metres or anywhere where trainees or remandees are kept or working and refused to leave after being warned by an officer of the centre;
- (b) is making any kind of communication to a trainee without lawful permission;



- (c) is driving a vehicle, car or intentionally direct an animal in the group of trainees or remandees who are outside the centre;
- (d) is quarelling with a trainee or remandees or a group of trainees;
- (e) is drawing or taking photograph of the centre, part of the centre, a trainee or trainees who are inside or outside the centre or in any other way sells the drawing or photograph;
- (f) is giving a false information regarding the behaviour of the trainees or remandees or failed to prove that;

shall be guilty of an offence and upon convictions shall be liable to a fine not exceeding shs. 500,000/- or imprisonment for a term of not less than 1 year or both.

"Precaution notice.

81. Officer incharge shall keep notice in an open area outside the centre which shall be in Kiswahili and English expressing matters which are prohibited to be done in the area of the Centre."

"Other offences

82. Any person who commits an offence under this Act and refused or failed to follow procedures laid down by this Act, if there is no penalty prescribed, upon conviction shall be liable to pay a fine of not less shs. 500,000 or



imprisonment for a period not exceeding 1 year or both."

"Trainee or remandee who is on hunger strike.

83.(1) Any trainee or remandee who is or tries to go on hanger strike without sufficient reasons shall be guilty of an offence.

(2) A trainee or remandee who is or tries to go on hunger strike shall be:-

- (a) isolated in a cell;
- (b) sent a normal food everyday;
- (c) examined his health by a doctor everyday;
- (d) sent to a referral hospital if his health deteriorates.

(3) A trainee or remandee who goes on hunger strike shall be guilty of an offence and shall be prosecuted for that offence and as a student he shall lose his remission and the right to be visited by his relatives within six months.

PASSED in the House of Representative on 30th day of January, 2007.

(Ibrahim Mzee Ibrahim)
CLERK OF THE HOUSE OF REPRESENTATIVES