

# REQUEST FOR PRESIDENTIAL PARDON TO EXPUNGE A CRIMINAL CONVICTION

## GENERAL INFORMATION:

- The President grants a pardon. This power of the President is only exercised in highly exceptional circumstances.
- **NB: IT IS IMPORTANT TO NOTE THAT YOU WILL HAVE TO CONVINCE THE PRESIDENT THAT IT IS NOT ONLY IN YOUR OWN INTEREST, BUT IN THE PUBLIC INTEREST (WELFARE) TO GRANT YOU A PARDON.**
- Officials of the Department of Justice and Constitutional Development consider and investigate requests for pardon and the President is then informed and advised with regard to the request. It may be necessary to disclose the information submitted in this form to third parties for verification and advice. Your completion and submittal of this form are deemed to be your irrevocable permission to disclose the information contained in this form, or discovered during the investigation of the matter, to third parties.
- To pardon a person is to forgive a person for his/her wrongful deeds. Pardon is therefore not recommended in matters where applicants maintain their innocence as the pardon process is not an appeal procedure to determine the legality of a conviction. Other legal remedies are available in such matters.
- Section 271B of the Criminal Procedure Act, 1977 (Act No. 51 of 1977) (The Act), provides for certain minor convictions to be expunged after the expiry of 10 years since the conviction. In the light thereof, pardon is usually only recommended after the expiry of 10 years and only for other more serious convictions which do not qualify for expungement in terms of section 271B.
- Before submitting a request for pardon, a clearance certificate must be obtained from the Criminal Record Centre of the South African Police Service. Officers at your nearest Police Station will assist you in this regard. The clearance certificate must be attached to this form.
- An affidavit from the victim(s) of the offence(s) (the person(s)/institution(s) against whom the offence(s) was/were committed) stating that he/she/it forgave you for the offence(s) and/or that he/she/it has no objection against the President granting you a pardon for the offence(s), ought to be obtained if possible and attached to this form. If you are unable to obtain such an affidavit, reasons must be provided (page 10), because such an affidavit may in most cases be the most important factor to convince the President that it will be in the public interest to grant you a pardon.

- **Documentary proof of the particular facts must be attached to this request if the purpose of the pardon is one of the following:**
  - i) You are unable to secure employment or experience any problem(s) regarding your employment, due to your criminal record. (As you are probably aware, there are thousands of unemployed South African citizens who do not have criminal records and who are struggling to obtain employment, despite the fact that they have clean records. In the light thereof, you will have to convince the President that there are exceptional circumstances in your matter which warrant a pardon for employment purposes) ;
  - ii) you need to apply for a visum to enable you to travel for official purposes, or to enable you to travel for personal purposes (for example sick family member overseas, to visit family, etc.); or
  - iii) you have to comply with the prerequisite of a clean criminal record in terms of certain legislation (for example to be appointed as a Director in a company, etc.).

**REQUEST FOR PARDON INVOLVING A SEXUAL OFFENCE:**

- In terms of section 271B 1(b) of the Act, a person who has been convicted of a sexual offence against a child or a person who is mentally disabled and whose name has been included in the Register for Sex Offenders (hereinafter referred to as the Register), does not qualify to have the criminal record expunged, unless his or her name has been removed from the Register.
- Therefore, with a request for pardon of a sexual offence/s, a certificate, stating whether or not your particulars are recorded in the Register, should be obtained from the Registrar of the Register in terms of section 44 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007). The contact details of the Registrar are: The Registrar: National Register for Sex Offenders, Department of Justice and Constitutional Development, Private Bag X 81, Pretoria, 0001, telephone number 012 315 1656.
- Please note that your application to the Registrar may result in your particulars being included in the Register, if they are not already included.
- Your request for pardon of your conviction for the sexual offence/s will only be considered if the proof from the Registrar that your particulars have not been included in the Register, or that your particulars have been removed from the Register, is attached to your request.

**IMPORTANT: PLEASE READ CAREFULLY BEFORE COMPLETING THE FORM**

1. Complete form in full (pages 4 to 12).
2. Attach documentation referred to in paragraph 4 of page 9 and 10.
3. Sign form in presence of a Justice of the Peace or a Commissioner of Oaths.
4. Each page must be initialed in the space provided in the presence of a Justice of the Peace or a Commissioner of Oaths.
5. Complete oath or affirmation (page 11 and 12) in the presence of a Justice of the Peace or a Commissioner of Oaths.
6. If the form is not fully completed the pardon process will be delayed.
7. If the necessary documentary proof regarding the reason(s) for seeking a pardon, as set out above, is not attached, your request cannot be considered.
8. The completed form, together with the attachments, must be posted or delivered to the Director-General: Justice and Constitutional Development:
  - i) Postal address: Private Bag X 81, Pretoria, 0001.
  - ii) Street address: Momentum Centre, 329 Pretorius Street  
(corner of Pretorius and Sisulu (Prinsloo) Streets), Pretoria, 0001.

**THE MAKING OF A FALSE STATEMENT IS A CRIMINAL OFFENCE**

**REQUEST FOR PARDON TO THE PRESIDENT IN TERMS OF SECTION 84(2)(J) OF THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996 (ACT NO. 108 OF 1996) IN ORDER TO HAVE A CRIMINAL CONVICTION EXPUNGED**

**1. PERSONAL AND CONTACT DETAILS**

**A PERSONAL DETAILS:**

Surname: \_\_\_\_\_

Full names (as they appear in your ID book):

\_\_\_\_\_

ID/Passport Number: \_\_\_\_\_

**B CONTACT DETAILS:**

Residential address:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Postal code: \_\_\_\_\_

Postal address:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Postal code: \_\_\_\_\_

Telephone numbers:

Work : \_\_\_\_\_

Home : \_\_\_\_\_

Cell phone: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Fax number: \_\_\_\_\_

This page must be initialed by applicant in presence of a Justice of the Peace or a Commissioner of Oaths

.....  
Initial









**4. THE FOLLOWING DOCUMENTS ARE ATTACHED**

- (a) 2 Recent testimonials regarding my character from persons in authority or high standing in society, indicating specifically that I have been rehabilitated since my conviction(s). (The testimonials must therefore be obtained from persons who are aware of your conviction(s) and who can confirm that you have been rehabilitated since your conviction(s)).
- (b) A certified copy of the first page of my Identity Document.
- (c) A clearance certificate bearing Enquiry No:..... issued on ..... obtained from the Criminal Record Centre of the South African Police Service, is attached.
- (d) An affidavit from the victim(s) of the offence(s) (the person(s)/institution(s) against whom the offence(s) was/were committed) stating that he/she/it has forgiven me for the offence(s) and that he/she/it has no objection against the President granting me a pardon for the offence(s), is/are attached.
- (e) Proof from the Registrar that my particulars have not been included in the Register, or that my particulars have been removed from the Register, is attached (only regarding sexual offence/s).
- (f) The following documentary proof regarding the reason(s) for my request for pardon is attached:
  - (i) \_\_\_\_\_
  - \_\_\_\_\_
  - (ii) \_\_\_\_\_
  - \_\_\_\_\_
  - (iii) \_\_\_\_\_
  - \_\_\_\_\_

(If space provided is insufficient, please attach further information on a separate sheet of paper).

This page must be initialed by applicant in presence of a Justice of the Peace or a Commissioner of Oaths

<p>.....</p> <p><b>Initial</b></p>
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**5. SIGNATURE AND OATH OR AFFIRMATION \***

\* (This part must be completed in the presence of and by a Justice of the Peace or a Commissioner of Oaths)

I \_\_\_\_\_

(Full names and Surname)

confirm that my submission of this form serves as proof of my irrevocable permission to disclose the information contained in this form, or discovered during the investigation of the matter, to third parties and declare that the above information supplied by me is true and correct.

Thus signed at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

**Signature (Applicant)**

- 1. Do you know and understand the contents of the statement?  
Answer: \_\_\_\_\_
- 2. Do you have any objection against taking the prescribed oath?  
Answer: \_\_\_\_\_
- 3. Do you consider the prescribed oath binding on your conscience?  
Answer: \_\_\_\_\_

A. I certify that the above-mentioned questions were put to me and that my answers thereto as reflected above were written down in my presence.

\_\_\_\_\_  
Signature of declarant

B. I certify that the declarant has acknowledged that he/she knows and understand the contents of this declaration which was sworn to before me and the declarant's signature was placed thereon in my presence.

\_\_\_\_\_  
Justice of the Peace  
Commissioner of Oaths

Full first names and Surname \_\_\_\_\_  
(Block letters)

Position (rank) \_\_\_\_\_ Ex Officio Republic of South Africa

Business Address \_\_\_\_\_  
(Street address must be stated)

Date \_\_\_\_\_ Place \_\_\_\_\_

**OR**

1. Do you solemnly confirm the contents of this declaration?

Answer \_\_\_\_\_

A. I certify that the above-mentioned question was put to me and that my answer thereto as reflected above was written down in my presence.

\_\_\_\_\_  
Signature of declarant

B. I certify that the declarant has acknowledged that he/she knows and understand the contents of this declaration which was confirmed before me and the declarant's signature was placed thereon in my presence.

\_\_\_\_\_  
Justice of the Peace  
Commissioner of Oaths

Full first names and Surname \_\_\_\_\_  
(Block letters)

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