

Man spends 18 unnecessary months in jail

The Public Protector Lawrence Mushwana has urged the department of justice to consider compensation for a prisoner kept in jail 18 months more than necessary.

"[The prisoner] Mr L Khumalo was severely prejudiced by... maladministration to the extent that his right to freedom has been violated by the actions of the state," Mushwana said in a statement on Tuesday.

The matter arose from a complaint to the Public Protector by Khumalo in February 2006. Khumalo never received a response from the Germiston magistrate's court regarding an outcome of his appeal lodged in 2003.

When the Public Protector's office investigated, it was established that the appeal succeeded on September 14, 2004.

Khumalo's conviction was set aside and, as he was not serving any other sentence, should have been released immediately.

The investigation found that the clerk of the court failed to issue a warrant of liberation for Khumalo's release in September 2004.

The clerk also failed to notify the head of Kutama Sinthumule Correctional Centre, where Khumalo was incarcerated, that he should be released immediately.

After the intervention of the Public Protector, Khumalo was released on March 17, 2006.

A report on the case would be submitted to Parliament, the minister and director-general of the department of justice and constitutional development, the chief justice of South Africa, the president of the supreme court of appeal and Germiston magistrate's court manager. - Sapa

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