

## Supreme Court of Appeal of South Africa

### MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal

Date: 20 June 2007

Status: Immediate

*Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal*

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### *MINISTER OF JUSTICE & CONSTITUTIONAL DEVELOPMENT v ZEALAND*

Mr Zealand was the victim of most unfortunate events. Since 1997 he was in prison on two different cases. In the first one, in a regional court, he faced murder, rape and assault charges. In the second one he was convicted of murder and sentenced to 18 years' imprisonment. On 23 August 1999 his conviction and sentence were set aside. This fact was not conveyed to the prison until 8 December 2004. Despite the fact that all charges in the first case were withdrawn against him on 1 July 2004 he was not released until 9 December 2004.

The court was asked to decide whether his detention after 23 August 1999 was lawful. The majority of the Court found that after 23 August 1999 he was lawfully detained in the first case, until 11 October 2001, when the regional court made an order for his release on warning. Thereafter he was unlawfully detained.

The amount of damages to be paid to Zealand still has to be determined.

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