



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 18 August 2017
STATUS Immediate

Minister of Justice and Correctional Services v Walus

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.

The Supreme Court of Appeal (the SCA) today upheld an appeal with no order as to costs against a judgment of the Gauteng Division of the High Court, Pretoria that placed the respondent, Mr Janusz Jakub Walus, on parole.

Mr Walus, who is serving a sentence of life incarceration for the murder of the late Mr Thembisile 'Chris' Hani, brought an application to be placed on parole after serving 21 years and six months of the sentence, in terms of s 136(1) of the Correctional Services Act 111 of 1998. The appellant, Minister of Justice and Correctional Services, decided not to place the respondent on parole at that stage. The victim impact statement submitted by the deceased's widow, Mrs Limpho Hani, to the parole board was not placed before the Minister and was thus not considered. It was also not brought to Mr Walus' attention.

The issue before the SCA was whether the court a quo erred in reviewing and setting aside the decision of the Minister appellant, on the basis that the decision by the was irrational and unreasonable.

The SCA held that the Minister's omission to consider the statement and the Parole Board's failure to furnish Mr Walus with it so that he could respond thereto, if so minded, constituted material procedural irregularities in terms of s 6(2) of the Promotion of Administrative Justice Act 3 of 2000. The SCA held that the irregularity vitiated the decision and accordingly remitted the matter to the Minister for his reconsideration regarding whether the respondent should be placed on parole, taking into account Mrs Hani's victim impact statement and Mr Walus' response thereto, if any. No costs order was made against Mr Walus because it was not his fault that the statement had not been disseminated in the manner envisaged by the Act.

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