

Law ignorance worries Justice Ministry

Written by Golden Matonga
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Most Malawians are being convicted to long prison sentences, denied bail and failing to appeal undeserved sentences due to ignorance of the law and court proceedings, the Ministry of Justice has said.

The remarks were made by justice officials after the ministry conducted a Legal Aid clinic at Ntchisi Prison on Friday.

The clinics are part of the on-going programme aimed at sensitising inmates and remandees on bail and appeal application mechanisms under the Democratic Governance Programme.

Senior State Advocate Innocent Kubwalo said the clinics have exposed lack of basic knowledge of the law by most Malawians particularly inmates.

"There are problems especially with remandees some of whom were convicted erroneously by the court but most do not know appeal proceedings. The court too is supposed to enlighten them on their rights but fails to do so," said Kubwalo.

He also said the clinics also exposed congestion in the prison, saying the situation could be eased by alternative sentencing such as community sentences or suspended sentences.

Democratic Governance Programme Activity Coordinator Patrick Kauya said ignorance of the law was a huge concern, adding the ministry was optimistic that the project will alleviate some of the challenges facing inmates.

"Magistrates are utilising alternative sentencing, for example, but there is always a need for prosecutors or lawyers to move them towards taking that route. That can only happen if the accused person knows his or her rights and the same applies to issues of bail, giving mitigation factors and the appeal process," said Kauya.

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During the clinics some prisoners who were arrested on small crimes such as theft of a bicycle were discovered to be serving sentences as long as 36 months.

Another inmate Kamchacha Kalacha was sentenced for fighting with a friend and sentenced to 27 months imprisonment.

The clinics are being conducted throughout all the districts of the country.