

# Man claims R30m for wrongful arrest

Durban - A Port Shepstone man who was arrested unlawfully and detained for 369 days on a fraud charge has described his experiences as a year in hell.

"Police brutality, sodomy and gangsterism - I have seen it all," said Danny Pillay, 47.

Pillay is suing the South African police minister and an officer from Port Shepstone organised crime unit for R30m.

Summons were issued in the high court in Pietermaritzburg last Monday.

The parties have 20 days from November 28 to respond.

Pillay, convicted of fraud previously, said he was arrested by an officer of the organised crime unit on a charge of fraud at his home in Oslo Beach on June 17, 2010.

## Unlawful

The arrest was supposedly on the basis of a warrant of arrest, but when Pillay requested a copy of the warrant from the second defendant, also police officer, he was told to apply to court if he wanted it.

Certain that justice would one day prevail, Pillay fought from a prison cell for his voice to be heard.

On June 17, 2011, the high court in Pietermaritzburg declared his arrest and detention unlawful and he was released on 20 June.

All criminal charges against Pillay were withdrawn in Port Shepstone Regional Court on November 11.

Discrepancies in documents produced in court showed that Pillay's arrest and subsequent imprisonment were not done by procedure.

It was unclear as to when the alleged crime took place, as the dates on the warrants of arrest vary by a month.

When Pillay appeared in Port Shepstone Magistrate's Court on June 21 for a bail application hearing the case was postponed to June 30.

The magistrate refused to consider the lawfulness of Pillay's arrest and stated that he was only interested in considering the bail issue. The magistrate postponed the matter to July 9 and Pillay was denied bail.

The case was postponed to July 25, Pillay's first court appearance after he was denied bail, and then finally to November 11 when the charges were withdrawn.

## Mental, physical health

Pillay claims that while at Margate and Umzinto cells his mental and physical health deteriorated, he suffered a loss of freedom, loss of dignity, loss of amenities of life, injury to his reputation and loss of earnings among others.

Apart from the unlawfulness of his arrest, Pillay said, he witnessed the worst within police cells during what he calls his year in hell.

"When police bring you in, they cuff you and boot your head," he said.

He said he saw many fatal fights and that several inmates die from lack of medical care.