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Man spent five years too long in prison – 10th July, 2020

Level 4

An error in the Samoa prisons system saw a man spend five years longer in prison than he was sentenced to. Sio Agafili should have been released from prison in 2015. In November 2008, he was sentenced to seven years for burglary. A month later he got a five-year sentence for other crimes. In Samoa, a convict with two sentences must serve them together and not consecutively. A judge spotted the error when Mr Agafili was in court on another charge.

Mr Agafili described his pain at spending too long in jail. He said: "It's broken me into a million pieces....I lost count of the days....I just know I had to serve my time behind bars." His lawyer spoke about the injustice her client suffered due to his loss of liberty. She said: "He's been imprisoned unlawfully. I've heard of other cases of a similar nature. This is not the first of this type." She said she would try to get compensation for her client.

Level 5

An error in the prisons system in Samoa saw a man being incarcerated for five years longer than his sentence. Sio Agafili, 45, should have been released from prison in 2015 after serving two jail terms. In November 2008, he was convicted of burglary and theft and sentenced to seven years. A month later he was found guilty of other crimes and got a five-year sentence. The default procedure in Samoa is that a convict with two sentences must serve them together and not consecutively. A judge recently spotted the error when Mr Agafili appeared in court on another charge.

In a newspaper interview, Mr Agafili described his anguish at spending too long in jail. He said: "It's broken me into a million pieces. No one told me when my jail term would end. I lost count of the days....I just know I had to serve my time behind bars." His lawyer Muriel Lui told reporters about the injustice suffered by her client. She said: "He's been imprisoned unlawfully. I've heard of other cases of a similar nature. This is not the first of this type." She added: "His right to liberty has definitely been breached." Ms Lui said she would try to get compensation for her client.

Level 6

An administration error in the prisons system in Samoa resulted in a man being incarcerated for five years longer than he was sentenced to serve. Sio Agafili, 45, should have been released from prison in December 2015 after serving two concurrent jail terms. In November 2008, Mr Agafili was convicted of burglary and theft and sentenced to seven years in prison. A month later he was found guilty of other misdemeanours and slapped with a five-year sentence. The default procedure in Samoa's criminal justice system is that a convict with two sentences must serve them concurrently and not consecutively. The error was spotted recently by a judge when Mr Agafili appeared in court on another charge.

In an interview with the Samoa Observer newspaper, Agafili described his anguish at spending too long behind bars. He said: "It's broken me into a million pieces. No one told me when my jail term would end. I lost count of the days. I don't remember much about when I should be out. I just know I had to serve my time behind bars." Mr Agafili's lawyer Muriel Lui spoke to reporters about the injustice suffered by her client. She said: "He's been imprisoned unlawfully. I've heard of other cases of a similar nature. This is not the first of this type." She added: "His right to liberty has definitely been breached." Ms Lui said that she would be seeking compensation for her client.