

IN THE SUPREME COURT OF SEYCHELLES

CHRISTOPHER FRED

PLAINTIFF

VERSUS

ATTORNEY GENERAL

Rep. by the Government of Seychelles

DEFENDANT

Civil Side No 154 of 2003

Mr. B. Georges for the Plaintiff
Mr. B. Hoareau for the Defendant

JUDGMENT

Perera J

This is a delictual action in which the plaintiff claims damages from the defendant in its vicarious capacity for personal injuries suffered by him consequent to assaults received from certain army officers on 16th December 2002. It has been averred that the said officers acting in the course of their employment with the defendant, assaulted the plaintiff with blows and kicks and whipping with a stick under the feet and a wire in the eye. It is also averred that the said officers attempted to suffocate the plaintiff by inserting a plastic bottle in the mouth. He claims Rs.100,000 as damages for his injuries, pain and suffering, and the detention at the Central Police Station after arrest.

The defendant has admitted liability, and hence the matter before Court is the determination of the quantum of damages.

According to the evidence of the plaintiff, sixteen army officers entered his house close to midnight on 16th December 2002, handcuffed him with hands behind his back and hit his stomach, head and face with a rifle butt. Thereafter they took him outside the house and kicked him with their boots. Inside a van, his feet were beaten with a piece of hose pipe. They also hit his left eye with a wire. The kicks on the head caused his eardrum to burst. He was detained at the Central Police Station for two and a half days. The plaintiff further testified that consequent to those injuries, he could not walk properly for about 1½ months, and in general about three months to be fit again. Although the eye has healed he still had difficulties in looking at bright lights. He produced a medical report (*exhibit P1*), wherein his injuries are stated to be –

- “1. *Sub conjuntival haemorrhage of the left eye, with diminished vision.*
2. *Perforated eardrum of the left ear, with reduced hearing*

Contusion of the left foot.”

On being cross examined, the plaintiff stated that after six months of the injuries he went back to work with one Danny Loze as rock blaster, and later did the same job elsewhere. He however explained that he was engaged only in drilling and that he wore ear muffers when working. He further stated that although he continued to suffer from the injury to the ear, he had no alternative but to continue with his occupation.

The plaintiff also stated that he could not play football for about 3 months due to the pain. He also stated that he could not watch television or films at the cinema without his eyes tearing.

Although the plaintiff stated in evidence that he was detained at the Police Station for 2½ days, the Court observed that he was examined by the doctor the next day and released. Hence at best, he was not detained beyond the 24 hours limit placed by the Constitution and the Criminal Procedure Code. Hence I make no award for unlawful detention. However, I am satisfied that the plaintiff received an aggravated assault at the hands of the army officers. Hence on a consideration of all the circumstances and previous awards of this Court for similar injuries, I award a sum of Rs.40,000 for the injuries, pain and suffering, together with interest and costs of action.

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A.R. PERERA

JUDGE

Dated this 13th day of July 2005