

IN THE SUPREME COURT OF SEYCHELLES

- 1. VINCENT OMATH**
- 2. SHARON VALENTIN**
- 3. ANTOINETTE VALENTIN**

PLAINTIFFS

VERSUS

THE ATTORNEY GENERAL
(Rep Government of Seychelles)

DEFENDANTS

Civil Side No 45 of 2002

Mr. B. Georges for the Plaintiffs
Mr. B. Hoareau for the Attorney General

JUDGMENT

Perera J

This is a delictual action in which the plaintiffs claim damages for alleged unlawful assaults caused by members of the Police Task Force on 3rd September 2001. The Government of Seychelles is sued in its vicarious capacity.

Although a defence was filed denying liability, at the commencement of the hearing Learned State Counsel admitted liability, and hence there remains only the quantum of compensation to be determined.

Vincent Omath, the 1st plaintiff testified that he was a passenger in a vehicle with the 2nd and 3rd plaintiffs, when Police Officers arrived in a vehicle and dragged him out. Then they slapped his face several times on both cheeks. He stated that they were "*very painful slaps*" and the pain lasted for 2 to 3 days. He claimed that consequent to his assault he could not concentrate

on his work as a Senior Clerk at Land Marine Ltd. He was frustrated as he could not assault the Police Officers in return.

Sharo Valentin, the 2nd plaintiff was the driver of the vehicle. He also testified that he was dragged out of the vehicle and slapped on the face several times, and that the pain lasted for 2-3 days. He stated that he suffered frustration as a result being unable to retaliate.

Antoinette Valentin, the 3rd plaintiff corroborated the 1st and 2nd plaintiffs and stated that she was slapped on the chest while she was inside the vehicle. She stated that at that time she was seven months pregnant. She received a mark on her chest which lasted for about three days. The pain was not serious enough to go to the hospital. The 1st plaintiff's wife, who was a nurse, advised her that if she developed any pain in the stomach area, she should attend hospital immediately. She was anxious about the effects on her unborn child. She further stated that she had a normal delivery subsequently, and that the child was also normal.

The plaintiffs claim Rs.25,000 each, for pain, suffering and inconvenience caused to them. Admittedly, the assaults did not necessitate immediate or subsequent medical attention. Although the harm caused was comparatively minor there has been harm caused to the plaintiffs, as envisaged in Article 1381 of the Civil Code. It has not been disputed that the 3rd plaintiff was in a state of advanced pregnancy at the time of the assault. Hence she would be entitled to be compensated for the anxiety she suffered in addition to the assault. On this basis, delictual damages being compensatory as not punitive, I would make the following awards-

<i>1st Plaintiff</i>	-	<i>R. 2000</i>
<i>2nd Plaintiff</i>	-	<i>R. 2000</i>
<i>3rd Plaintiff</i>	-	<i>R. 5000</i>

Judgment is accordingly entered in favour of the plaintiffs in a sum of Rs.9000 as above stated, together with interest and costs payable to each of the plaintiffs on a pro-rata basis.

.....
A.R. PERERA

JUDGE

Dated this 24th day of January 2005