

COMMONWEALTH OF THE BAHAMAS
IN THE SUPREME COURT
COMMON LAW AND EQUITY DIVISION

2017/CLE/GEN/01127

BETWEEN

JOSEPH AMIHERE

Plaintiff

AND

ATTORNEY-GENERAL OF THE BAHAMAS

1st Defendant

MINISTER OF IMMIGRATION

2nd Defendant

DIRECTOR OF IMMIGRATION

3rd Defendant

THE COMMISSIONER OF POLICE

4th Defendant

**OFFICER IN CHARGE OF THE CARMICHAEL ROAD DETENTION
CENTRE**

5th Defendant

Before: Registrar, Camille Darville Gomez

Appearances: Mr. Frederick Smith, Q.C; Miss Raven Rolle and Miss Keath Smith
with him for the Plaintiff

Mr. Shaka Serville and Mr Rashied Edgecombe for the Defendants

Hearing Date: 6 May, 2021

Assessment of Damages – False Imprisonment – Assault and Battery – Breach of Constitutional Rights – Special Damages – Aggravated Damages – Exemplary Damages – Vindictory Damages – Award of Interest on Costs

1. This is an assessment of damages arising from the detention of the Plaintiff at the Carmichael Road Detention Centre for almost 7 years.
2. The parties entered into an agreement on the issue of liability called "Order on Judgement on Liability [by Consent]", therefore, the only issue for consideration by the Court is the award of damages.

3. The Plaintiff has claimed the following heads and amount of damages:

(1) General Damages (\$2,500x2,756 days)	6,890,000
(2) General Damages for assault and battery	300,000
(3) Special Damages	700
(4) Exemplary Damages	1,000,000
(5) Aggravated Damages	500,000
(6) Constitutional damages by way of compensation and vindication	2,000,000
Total Damages claimed	10,690,700

4. For reasons that I will reduce into writing later, I award the following amount of damages:

(1) General Damages (\$250x2,756 days x80%)	551,200
(2) General Damages for assault and battery	50,000
(3) Special damages	700
(4) Exemplary damages	100,000
(5) Aggravated damages	50,000
(6) Constitutional damages by way of compensation And vindication	-0-
Total Damages Awarded	751,900

5. Therefore, the Court awards damages in the sum of \$751,900 with interest to accrue from the date of issue of the Writ at the rate of 6.25% pursuant to section 2(1) of the Civil Procedure (Award of Interest) Act 1992 as amended by the Civil Procedure (Rate of Interest) Rules, 1992.

6. I believe that the issue of costs has already been addressed in the Order on Judgement on Liability by Consent, therefore, I need not address it.

Dated the 7th day of September, 2021



Camille Darville Gomez
Registrar