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Departmental and Other Notices

IN THE HIGH COURT OF JUSTICE
EASTERN CARIBBEAN SUPREME COURT
COMMONWEALTH OF DOMINICA

CLAIM NO. DOMHCV2014/0057

Between:

[1] Alexis Carriere
[2] Kendell Sylvester
[3] Ferdinand Phillip Daniel *Claimants*

and

[1] Attorney General
of the Commonwealth of Dominica *Defendant*

Appearances:

Mr. Wayne Norde and Bernadette Lambert of Norde and Lambert Chambers for the Claimants
Mrs. Tameka Hyacinth of the Attorney General Chambers for the Defendant

2014: June 13th, 25th
October 3rd

JUDGMENT

[1] THOMAS, J. (Ag): On February 4th 2014, the claimants filed an originating motion claiming

against the Defendant, the Attorney General of the Commonwealth of Dominica

- (a) A declaration that their constitutional rights guaranteed to them under section 3 of the Constitution of Dominica not to be deprived of their liberty was contravened by the Police when they were detained beyond 72 hours.
- (b) A declaration that the charges preferred against the claimants while in unlawful custody of the police are null and void and of no effect and should be struck out.
- (c) Damages, including aggravated and exemplary damages, compensation in Public Law for the unlawful detention beyond 72 hrs of detention.
- (d) Such further or other relief as may be just.
- (e) Prescribed costs.

[2] Based on the affidavit evidence in support¹ and affidavit in reply,² the claimants being detained for

¹ Filed 4th February 2014

² Filed 7th March 2014