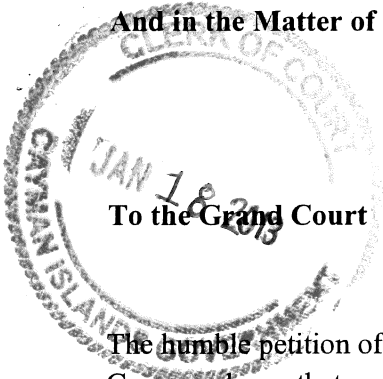


IN THE GRAND COURT OF THE CAYMAN ISLANDS

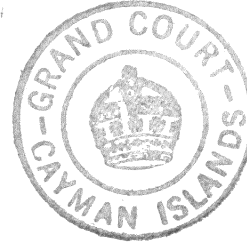
CAUSE NO: 0018 OF 2013

IN THE MATTER OF THE BILL OF RIGHTS ARTICLES 5(5)

And in the Matter of Canute Nairne



PETITION



The humble petition of Canute Nairne of 117 Canyon Dawn Drive, Spotts Newlands, Grand Cayman shows that:-

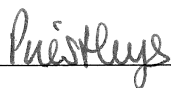
1. On Thursday the 10<sup>th</sup> January 2013 at approximately 10.10am Canute Nairne was arrested, on Suspicion of Being Concerned in the Supply of Cocaine and Misleading Police, at the Owen Roberts International Airport as he returned from holiday in Jamaica.
2. Mr Nairne was initially detained for a 72 hour period without charge. An extension was then authorized by a senior ranking police officer for a further period of 24 hours.
3. On the 14<sup>th</sup> January 2013 Mr Nairne's further detention was authorized by a Magistrate in an ex parte hearing without notification for a further period of 72 hours.
4. It is not in dispute that the detention of the Petitioner was in accordance with the provisions of The Police Law 2010.
5. On the 15<sup>th</sup> January 2013 a writ of habeus corpus was issued and served on the Commissioner of Police, to produce the body of Canute Nairne before Mr Justice Henderson at 2.30pm on the 16<sup>th</sup> January 2013.
6. At 3.30pm on the 16<sup>th</sup> January 2013 Mr Justice Henderson ordered that Mr Nairne be released on bail. He had been detained for a total of 6 days 5 hours and 20 minutes. He had not been brought before any court prior to this hearing.

7. It is submitted that the detention of Mr Nairne was unlawful and in violation of his Right to Liberty as guaranteed by Article 5(5) of the Cayman Islands Bill of Rights 2009.

### **Orders Sought**

8. Your Petitioner humbly prays that the following orders should be made:
  - i. A declaration pursuant to the writ of habeus corpus that the said detention was unlawful and in violation of his Constitutional Right as guaranteed by Article 5(5) of the Bill of Rights, namely that as a detained person he be “brought promptly before a court”.
  - ii. A declaration pursuant to Article 23 of the Bill of Rights that Section 65 of The Police Law 2010 is incompatible with the provisions of Article 5(5) of the Bill of Rights 2009.
  - iii. Costs
  - iv. Such other order as the Court thinks fit.
  
9. And the Petitioner seeks.
  - i. Compensation under Article 5(6) of the Bill of Rights.
  - ii. Costs.AND your petitioner will ever pray etc.

Dated the 18<sup>th</sup> day of January 2013.

  
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**Note:** This petition is intended to be served on the Attorney-General of the Cayman Islands and the Commissioner of Police.

**NOTICE OF HEARING**

**Take Notice** that the hearing of this petition and the linked writ of habeus corpus will take place at the Law Court, George Town, Grand Cayman on the        day of February 2013.