



**STATEMENT OF CLAIM**

1. The Plaintiff is a Jamaican national who resides at Water Lane Vere P O Clarendon, Jamaica.
  
2. On or about 29<sup>th</sup> January, 1998, the Plaintiff was a legal visitor to the Cayman Islands.
  
3. At or about 8:00 a.m. on that date, the Plaintiff was standing in or by a public telephone booth near to Cable & Wireless on Eastern Avenue in Grand Cayman. The purpose of his presence there was to make a telephone call.
  
4. At about that time, four Cayman Islands immigration officers drove by the said telephone booth, stopped and asked the Plaintiff what he was doing there. He responded that he was making a telephone call. They told him to come out of the telephone booth and the Plaintiff did so. They asked him for his passport, which he produced to them.
  
5. The immigration officers then told the Plaintiff to enter their vehicle. The Plaintiff asked them what he had done. He received no, or no meaningful response. He was forced to sit in the said vehicle and was taken to the offices of the Cayman Islands Immigration Department.

6. Once there, the Plaintiff was then told to enter a cell. The Plaintiff asked again what he had done, and he received no answer and one of the immigration officers then seized the Plaintiff by the neck and began to choke him. That immigration officer then hit the Plaintiff about the face and chest.
  
7. The same immigration officer took out his baton and hit the Plaintiff in the knee. The Plaintiff fell to the ground.
  
8. The Plaintiff cried out. One of the immigration officers thereupon informed the Plaintiff that he would be killed if he made any more noise.
  
9. The Plaintiff was then pushed in a cell and kept there unlawfully. He was photographed by an immigration officer. His injuries were clearly visible.
  
10. The Plaintiff was later told by one or several immigration officers that he would be let go and that he should take the next flight out of the Cayman Islands to Jamaica. He was then released and walked out of the offices of the Immigration Department.
  
11. Someone saw the Plaintiff outside, noticed his condition and took him to the Central Police Station ("CPS"), where members of the Royal Cayman Islands Police ("the RCIP") took a statement from him as to the manner in which he had sustained his injuries. The Plaintiff was also photographed while at CPS.

12. The Plaintiff was then taken to the George Town Hospital where he was treated.
13. From there, the Plaintiff was taken by members of the RCIP back to the Central Police Station and then to the Immigration Department, where he met with someone he believes to be the Chief Immigration Officer of the Cayman Islands ("the CIO").
14. The CIO told the Plaintiff that he had heard about "the matter". He asked the Plaintiff whether he wanted money or a job.
15. The CIO then left the Plaintiff and, upon his return, told him that he would be put into custody.
16. The Plaintiff enquired as to the reason for his announced detention. The CIO responded that the reason was that the Plaintiff's was trying to mess up his boys.
17. The Plaintiff was then detained unlawfully at the Immigration Department for some hours, without medication which he needed and as to which he informed the immigration officers who were then on duty or some of them.
18. Either the CIO or another immigration officer then called members of the RCIP. The latter unlawfully took the Plaintiff into custody around 11:30 p.m. on or About 29<sup>th</sup> January, 1998. The Plaintiff had not eaten all day.

19. The Plaintiff was unlawfully detained at CPS overnight by the RCIP and he was released into the custody of immigration officers the next morning, after being told that he had to sign a paper stating that he did not want to proceed with his complaint to the police against the immigration officers. The latter then took the Plaintiff to the Owen Roberts International Airport, in Grand Cayman, where he was unlawfully locked up again and detained by immigration officers until he was put on a flight to Jamaica.
  
20. All the immigration officers (including the CIO) and members of the RCIP who unlawfully assaulted the Plaintiff and/or detained him unlawfully as averred above, were, at all relevant times, servants and/or agents and/or officers of the Crown in that they were, or had been at the time, appointed by the Crown and they were, at all material times, paid in respect of their duties as officers of the Crown wholly out of the general revenue of these Islands. They were, at all relevant times, acting as servants and/or agents and/or officers of the Crown.
  
21. The Plaintiff sustained serious injuries at the hands of the immigration officers in the circumstances set out herein.

#### PARTICULARS OF INJURIES

The Plaintiff was beaten about the head, the body and the knee. He suffered from swelling and soft tissue injuries.

22. The Plaintiff was employed at the time where he visited the Cayman Islands in January 1998. His weekly income was between J\$3,500.00 to J\$4,000.00 per week. He was unable to work for six weeks as a result of the injuries which he sustained at the hands of the immigration officers as set out herein.
23. The Plaintiff sustained loss and damage as a result of the said injuries and of his unlawful detentions as aforesaid, for which the Crown is liable.

PARTICULARS OF SPECIAL DAMAGE

Cayman Islands Health Services	CI\$357.00
Clarendon Medical Center	CI\$411.76
Airline tickets	CI\$587.73
Debtor to Donnaline Mullings	CI\$ 88.00
Cayman Travel Service	CI\$ 48.40
International Travel	CI\$240.00
Loss of Income	J\$24,000.00

24. The Plaintiff has, in addition, suffered a great deal of pain, discomfort, humiliation, loss of liberty and loss of amenities as a result of the above injuries and of his unlawful detentions as aforesaid, for which the

Crown is liable. He still suffers from pain in his chest from time to time and whenever this occurs he is unable to work.

25. The above detention and assault were unconstitutional acts on the part of members of the immigration department of the Cayman Islands and of the Royal Cayman Islands Police and, as a result, the Plaintiff is entitled to claim exemplary and/or punitive damages from the Crown.
26. The Crown has adamantly refused to compensate the Plaintiff for his injuries and unlawful detention and, by way of consequence, the Plaintiff is entitled to claim interest from the Defendant.

AND THE PLAINTIFF CLAIMS FROM THE DEFENDANT:

- (a) DAMAGES.
- (b) EXEMPLARY and/or punitive damages.
- (c) PRE-JUDGEMENT interest pursuant to the Judicature Law (1995 Revision).
- (d) POST-JUDGEMENT interest pursuant to the Judicature Law (1995 Revision).

(e) COSTS.

Dated this 20<sup>th</sup> day of February 2001.



Keith Collins & Co.

Attorneys-at-Law for the Plaintiff

To: The Clerk of Courts

And To: The Defendant c/o the Attorney General

THIS WRIT OF SUMMONS AND STATEMENT OF CLAIM were issued by Keith Collins & Co., Attorneys-at-Law for the Plaintiff herein, whose address for service is that of his said Attorneys-at-Law, Elizabethan Square, Unit 202, George Town, Grand Cayman, Cayman Islands, B.W.I.

DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE  
OF ORIGINATING SUMMONS

The accompanying form of *Acknowledgment of Service* should be completed by an Attorney acting on behalf of the Defendant or by the Defendant if acting in person. After completion it must be delivered or sent by post to the Law Courts, P.O. Box 495GT, George Town, Grand Cayman.

*Notes for Guidance*

1. . Each Defendant (if there are more than one) is required to complete an Acknowledgment of Service and return it to the Courts Office.
2. For the purpose of calculating the period of 14 days for acknowledging service, a writ served on the Defendant personally is treated as having been served on the day it was delivered to him.
3. Where the Defendant is sued in a name different from his own, the form must be completed by him with the addition in paragraph 1 of the words "sued as (*the name stated on the Originating Summons*)".
4. Where the Defendant is a FIRM and an attorney is not instructed, the form must be completed by a PARTNER by name, with the addition in paragraph I of the description "Partner in the firm of (..... after his name.
5. Where the Defendant is sued as an individual TRADING IN A NAME OTHER THAN HIS OWN, the form must be completed by him with the addition in paragraph 1 of the description "trading as (..... )" after his name.
6. Where the Defendant is a LIMITED COMPANY the form must be completed by an Attorney or by someone authorised to act on behalf of the Company, but the Company can take no further step in the proceedings without an Attorney acting on its behalf.
7. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian *ad litem*.
8. A Defendant acting in person may obtain help in completing the form at the Courts Office.

IN THE GRAND COURT OF THE CAYMAN ISLANDS  
HOLDEN AT GEORGE TOWN, GRAND CAYMAN  
CAUSE NO. OF 2001

BETWEEN: ROHAN FORBES PLAINTIFF

AND: THE ATTORNEY GENERAL OF THE  
CAYMAN ISLANDS DEFENDANT

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**ACKNOWLEDGMENT OF SERVICE  
OF WRIT OF SUMMONS**

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If you intend to instruct an Attorney to act for you, give him this form IMMEDIATELY. Important. Read the accompanying directions and notes for guidance carefully before completing this form. If any information required is omitted or given wrongly, THIS FORM MAY HAVE TO BE RETURNED.

Delay may result in judgement being entered against a Defendant whereby he may have to pay the costs of applying to set it aside.

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1. State the full name of the Defendant by whom or on whose behalf the service of the Writ of Summons is being acknowledged.

**ATTORNEY GENERAL**

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2. State whether the Defendant intends to contest the proceedings (*tick appropriate box*)

yes

no

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3. If the claim against the Defendant is for a debt or liquidated demand, AND he does not intend to contest the proceedings, state if the Defendant intends to apply for a stay of execution against any judgement entered by the Plaintiff (*tick box*)

yes

no

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Service of the Writ is acknowledged accordingly

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**The Attorney General**

[Attorney] for

Address for Service:

The Government Administration Bldg.

Notes on address for service:

*Please complete overleaf*

*Attorney: where the Defendant is represented by an attorney, state the attorney's place of business in the Cayman Islands. A Defendant may not act by a foreign attorney.*

*Defendant in person: where the defendant is acting in person, he must give his post office box number and the physical address of his residence or, if he does not reside in the Cayman Islands, he must give an address in Grand Cayman where communications for him should be sent. In the case of a limited company, "residence" means its registered principal office.*

*Endorsement by plaintiff's Attorney (or by plaintiff is suing in person) of his name, address and reference, if any, in the box below.*

Keith Collins & Co.  
Elizabethan Square, Unit 202  
George Town  
P.O. Box 2205 GT  
Grand Cayman

*Endorsement by defendant's Attorney (or by defendant if suing in person) of his name, address and reference, if any, in the box below.*