



IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE
REGULAR JURISDICTION

2024/8-HC-SOC-DEM-CIV

In the matter of the Constitution of the Co- operative
Republic of Guyana

-and-

In the matter of Articles 40, 139 and 153 of the
Constitution of the Co-operative Republic of Guyana

BETWEEN:

PAUL SLOWE

Claimant

-and-

THE ATTORNEY GENERAL

Defendant

Before: The Hon. Justice Nicola Pierre

Appearances: Mr. C. A. Nigel Hughes, Ms. Kiswana Jefford for the Claimant
for the Claimant

Ms. Shoshana Lall, Ms. Reanna Clarke, Ms. Shania Persaud, and Mr. Pierre
Squires for the Defendant

Dates of Trial: April 9, 2026

Date of Judgment: August 24, 2026

JUDGMENT

Background

1. The Claimant, Paul Slowe, brought these proceedings against the Attorney General arising from an incident which occurred at the Georgetown Magistrates' Court on 15 October 2021.
2. The Claimant is a former Assistant Commissioner of Police. He served in the Guyana Police Force for approximately thirty-seven years and was Chairman of the Police Service Commission from 9 August 2018 to 8 August 2021.
3. Criminal charges had been instituted against the Claimant in May 2021. The charges included conspiracy to commit fraud and sexual assault. The proceedings were pending before the Georgetown Magistrates' Court.
4. On 3 October 2021, the Claimant was served with a summons requiring him to attend Courtroom No. 3 of the Georgetown Magistrates' Court on 15 October 2021 at 10:00 a.m. The Claimant returned to Guyana and attended the Magistrates' Court pursuant to the summons.
5. While in the compound of the Magistrates' Court on 15 October 2021, the Claimant was approached by officers attached to the Special Organised Crime Unit ("SOCU"). The officers informed the Claimant that he was being arrested in relation to the pending charges. The Claimant protested that he was already before the Court pursuant to the summons and that there was no lawful basis for his arrest.
6. Physical contact then took place between the Claimant and the police officers. The Claimant was held, pulled and restrained by the officers. The Claimant continued to protest that the officers had no lawful authority to arrest or detain him. Two attorneys-at-law intervened and

informed the officers that their actions were without lawful authority. The physical restraint nevertheless continued for a period. The interaction lasted approximately ten minutes.

7. The Claimant thereafter proceeded to Courtroom No. 3, answered to the charge of conspiracy to defraud and was granted bail.
8. The Claimant filed this Statement of Claim seeking general and exemplary damages for assault, battery and false imprisonment, and for the infringement of his constitutional right to personal liberty.
9. At the trial on 9 April 2026, the claimant gave his evidence in chief and tendered video evidence of the interaction. The Defendant admitted liability and asked to be heard the quantum of damages. By consent, judgment was entered for the Claimant in respect of assault, battery and false imprisonment.
10. Article 139. of the Constitution provides that no person shall be deprived of his or her personal liberty save as may be authorised by law. The Defendant admits the arrest and restraint was unlawful. It is therefore undisputed that there was a deprivation of the claimant's liberty and a breach of Article 139.
11. The only issue remaining for determination is the appropriate amount of damages.
12. The Defendant filed written submissions on 29 May 2026. No submissions were filed on behalf of the Claimant.
13. I thank the Defendant for their Submissions and the helpful authorities they provided.

The Law

Assault and Battery

14. Assault and battery are separate torts. Assault is the apprehension of the imminent application of unlawful force. Battery is the intentional and direct application of unlawful physical force without consent or lawful justification. Both torts are actionable per se. The Claimant is therefore not required to prove material or pecuniary loss. Damages may be awarded for pain, physical discomfort, humiliation, indignity, distress and injury to feelings.
15. In this case, the assault and battery formed part of the attempted arrest and detention. The Claimant was held, pulled and restrained by the police officers while he protested that there was no lawful basis for his arrest. The damages should reflect the overall injury caused by the incident rather than separate overlapping awards for each tort. The damages for assault, battery and false imprisonment will therefore be assessed as a single compensatory award.

False Imprisonment

16. False imprisonment is the unlawful restraint of a person's liberty, however brief, by force, threat of force or confinement.¹
17. The Claimant is entitled to general damages for the loss of liberty and for any physical or mental injury resulting directly from the imprisonment. The assessment is not limited to financial loss. The principal considerations are the loss of liberty and injury to feelings, including indignity, mental suffering, disgrace and humiliation. damages for loss of liberty should reflect the duration of the unlawful detention.² The circumstances of the arrest and detention are also

¹ Collins v Wilcock [1984] 3 All ER 374 at 378, [1984] 1 WLR 1172

² Halsbury's Laws of England Tort (Volume 97A (2021))3. Torts to the Person(1) Trespass to the Person(iii) False Imprisonment; c. Legal Remedies for False Imprisonment154. Claiming damages for false imprisonment.

relevant. Where the circumstances make the basic award insufficient, aggravated damages may also be appropriate.

18. 'General damages in false imprisonment cases where there is unlawful imprisonment following an unlawful arrest... should seek to reflect (1) curtailment of liberty and (2) injury to feelings. The following passages in McGregor on Damages (15 edn, 1988) para 1619 sets out the factors to be considered:³

'The details of how the damages are worked out in false imprisonment are few: generally it is not a pecuniary loss but a loss of dignity and the like, and is left much to the jury's or judge's discretion. The principal heads of damage would appear to be the injury to liberty, ie the loss of time considered primarily from a non-pecuniary viewpoint, and the injury to feelings, ie the indignity, mental suffering, disgrace and humiliation, with any attendant loss of social status. This will all be included in the general damages which are usually awarded in these cases; no breakdown appears in the cases'.

19. The assessment of damages for false imprisonment is not based on a fixed tariff. The Court must consider the particular circumstances of the case. The short duration of the detention does not prevent a substantial award where the circumstances of the restraint justify it.

Constitutional Right to Personal Liberty

20. Article 139(1) of the Constitution provides that 'No person shall be deprived of his or her personal liberty save as may be authorised by law.'

³ *Dodds v Chief Constable of the Royal Ulster Constabulary* [1998] Lexis Citation 6485

21. Article 139(5) provides that 'Any person who is unlawfully arrested or detained by any other person shall be entitled to compensation therefor from that other person.' The Constitution therefore expressly provides for compensation where a person is unlawfully arrested or detained.'

Vindictory Damages

22. The constitutional remedy is not limited to compensation for financial loss, vindictory damages may be awarded.

23. Article 153 provides for constitutional 'redress.' Where a protected constitutional right has been infringed, the High Court may make such orders, issue such writs and give such directions as it considers appropriate to enforce or secure enforcement of the relevant constitutional provision.

24. In *Attorney-General v Siewchand Ramanoop*⁴ where Ramanoop was arrested and beaten by police at the instance of another police officer with whom he had a private quarrel, the court of appeal directed he be awarded exemplary/vindictory damages. The Privy Council dismissed the A.-G.'s appeal and held that the term 'redress' encompassed an award of vindictory damages, and that while common-law damages may provide guidance in assessing constitutional compensation, they are only a guide. A constitutional breach has an additional dimension because the right is protected by the Constitution. In an appropriate case, an additional award may therefore be necessary to reflect public concern, emphasise the

⁴ (2005) 66 WIR 334

importance of the constitutional right and the seriousness of the breach, and deter future breaches.

25. The Caribbean Court of Justice in *Belmopan Land Development Corporation Limited v Attorney General of Belize*⁵ held that vindictory damages are not awarded merely because a constitutional breach has occurred. They are awarded where necessary to reflect public outrage, emphasise the importance of the constitutional right and the gravity of the breach, and deter further breaches, or where there is wholesale contempt for the rule of law. Even an egregious breach does not automatically require an award of vindictory damages.
26. The Guyana High Court has as recently as 2023 awarded vindictory damages for breach of Article 139 of the Constitution.

Guyanese Authorities

27. I have considered the recent Guyanese authorities on damages for unlawful arrest and detention.
28. In *Tamieka Clarke v Attorney General*,⁶ the Claimant, an Attorney-at-law attending SOCU to represent a client, was detained by members of SOCU and confined to a room for twenty minutes. The Court awarded G\$700,000 in vindictory damages for infringement of her personal liberty and also made orders requiring an apology and police training.
29. In *Rehanna Reginald v A.G and others* the claimant sought a declaration that her fundamental rights guaranteed under articles 139(1) and 141 of the Constitution were violated by the State unlawfully arresting and detaining her in inhumane conditions from 7th to 11th November,

⁵ [2022] CCJ 1 (AJ) (BZ)

⁶ Action No. 1623 of 2022

2020. She was awarded \$1,600,000 was awarded for breaches arising from unlawful arrest and detention, together with G\$350,000 in vindictory damages.

30. In *Twyon Thomas v Attorney General and Others*,⁷ the claimant, a child, was detained and tortured by the police. The Court awarded a \$4,500,000. compensatory damages for violations of Article 139 (personal liberty) and Article 141 (freedom from torture, cruel, inhuman or degrading treatment); and \$2,000,000 in exemplary damages.

31. In *Navindra Singh v Attorney General of Guyana and others*,⁸ an Attorney-at-Law was arrested and detained for four (4) hours in the Brickdam Police Station and later charged with traffic offences. The Court awarded \$119,463.00 for false imprisonment. The claimant did not seek constitutional relief.

32. In *Corin Nicholson and Clive Nicholson v Attorney General and Others*,⁹ the claimants were not told of the reason for their detention, were not given instructions as to their right to counsel, and were held in a dark prison without food or water overnight until 3:00 p.m. the following day. The Court found an infringement of Articles 139, 141, and 148 and awarded them damages in the sum of G\$2,000,000.00 each.

33. In *Tuluram Ramassar v Attorney General and Others*,¹⁰ the applicant was awarded G\$1,500,000 for an unlawful detention of approximately three days and breach of their right to personal liberty.

⁷ No. 12-M of 2010

⁸ No. 602-W of 2006 unreported

⁹ No. 71-CM of 2016 unreported

¹⁰ 2017-HC-DEM-CIV-SOC-108 unreported

34. In *Andrew Lewis v Ramdeholl and Others*,¹¹ the claimant was awarded G\$700,000 for wrongful arrest and overnight false imprisonment.

35. In *Roxanne Myers v Attorney General*,¹² the claimant was awarded G\$2,000,000 for unlawful arrest and seventy-two hours of detention.

36. In *Mikhail Wiggins v Attorney General*,¹³ the Claimant was unlawfully detained for four days. The Court awarded G\$1,600,000 as compensatory damages for wrongful arrest and detention, but declined to award exemplary damages

37. Taken together, these authorities demonstrate that the duration of detention is an important, but not exclusive, consideration. The awards increase generally with the length and seriousness of the detention.

38. The authorities also support a distinction between compensation and vindication. The compensatory award addresses the claimant's loss of liberty, injury to feelings, indignity, humiliation, distress and any physical or consequential injury resulting from the unlawful arrest or detention. A separate vindictory award is not automatic. It is appropriate only where the compensatory award does not adequately vindicate the constitutional right and the circumstances justify an additional award having regard to the importance of the right, the gravity of the breach and the need to deter future violations.

¹¹ 2015-HC-BERB-CIV-WS-161

¹² 2021-HC-DEM- CIV-SOC-72

¹³ 2025/5-HC-FDA-CAD-DEM-CIV

Assessment

39. The Defendant has admitted that the arrest and restraint were unlawful. Judgment has been entered for the Claimant in respect of liability for assault, battery and false imprisonment. It is undisputed that the Claimant was deprived of his liberty in breach of Article 139.
40. The Claimant was detained for approximately ten minutes, a relatively short duration. The circumstances of the restraint, however, were significant.
41. The Claimant was attending the Magistrates' Court pursuant to a summons to appear in the very matter for which the officers sought to arrest him. He was in the precincts of the court, to answer and defend the charge. There was no warrant for his arrest.
42. The claimant protested that there was no lawful basis for his arrest. Two attorneys-at-law intervened and informed the officers that the arrest was unlawful. The SOCU officers ignored the claimant and the two attorneys-at-law. The physical restraint nevertheless continued.
43. The claimant gave evidence of injury to his feelings. The incident was visibly and clearly being recorded by the media. It was subsequently broadcast on television and circulated on social media. The Claimant was a former Assistant Commissioner of Police, having served in the Guyana Police Force for approximately thirty-seven years, and was a former Chairman of the Police Service Commission. He was a person known and respected in the community. He testified that the incident occurred in full view of the public, that there were several person including the media with video cameras recording the encounter, that he suffered significant emotional distress, anxiety and embarrassment.
44. The Court does not award greater damages because of the Claimant's former position or status. His constitutional right to personal liberty is the same as that of every other person. His

background is relevant only to the circumstances of the incident, the ongoing public spectacle, and its effect upon his dignity and feelings.

45. Having regard to the duration of the restraint, the physical force used, the public setting, and the resulting indignity and humiliation, the Court awards G\$800,000 as general compensatory damages for assault, battery and false imprisonment.

46. The Court must next consider whether an additional vindictory award is justified. A constitutional breach does not automatically attract such an award. The question is whether the compensatory award adequately vindicates the constitutional right.

47. The right to personal liberty is fundamental. In this case, the police exercised coercive powers without lawful authority against a person who was attending Court pursuant to a summons. The Claimant, himself a senior member of the force, challenged the authority of the officers yet the physical restraint continued. Two officers of the court- two attorneys-at-law intervened and informed the officers that the arrest was unlawful, yet the physical restraint continued. The claimant said he was headed straight to the courtroom and would go there immediately, yet the restraint continued. The incident was also public, was visibly being recorded, and was subsequently disseminated through the media and social media.

48. The Court considers that these circumstances justify an additional award. The purpose of the award is to recognise the constitutional nature of the breach, emphasise the importance of the right to personal liberty and the requirement that police powers be exercised according to law. It is not intended to punish the Defendant or to compensate the Claimant twice for the same injury.

49. The Court therefore awards G\$200,000 as vindictory damages.

ORDERS

50. This Court orders that

(a) Judgment is entered for the Claimant against the Defendant in the sum of G\$1,000,000.

(b) the Defendant pay costs to the Claimant in the sum of \$250,000.

sgd
Nicola Pierre
High Court Judge