

SUPREME COURT OF SEYCHELLES

Reportable
CS112/2023

In the matter of –

SONNY LABROSSE
(rep. by Mrs. Amesbury)

PLAINTIFF

Versus

1. THE ATTORNEY GENERAL
(rep. by Mrs. Arissol)

1st DEFENDANT

2. SEYCHELLES POLICE FORCE
(rep. by Mrs. Arissol)

2nd DEFENDANT

Neutral Citation: *LABROSSE V ATTORNEY GENERAL & ANOR (CS112/2023) [2026] (9th February 2026)*
Before: A. Madeleine, J
Summary: *Claim for damages faute arising from unlawful arrest and detention and moral damages for emotional distress*
Heard: 16th September 2024
Delivered: 9th February 2026

ORDER

For the reasons set out above, the Court finds that the arrest and detention of the Plaintiff on 13 November 2021 were unlawful. The 1st Defendant, the Attorney General, is vicariously liable for the faute of the 2nd Defendant. The Plaintiff is therefore awarded damages in the total sum of SCR 120,000/- , comprising SCR 70,000/- for unlawful arrest and detention and SCR 50,000/- for moral damages arising from emotional distress.

Costs of the proceedings are awarded to the Plaintiff.

JUDGMENT

A. MADELEINE, J

Background

- [1] The Plaintiff, Mr Sonny Labrosse, sued the 1st and 2nd Defendants for damages arising out of his alleged unlawful arrest and detention in custody for approximately 10 hours on 13 November 2021.
- [2] The Plaintiff also alleges that during his detention, he suffered medical distress related to his pre-existing diabetic condition necessitating medical treatment. He also claims for moral damages for emotional distress, humiliation, anxiety, pain and suffering.
- [3] The Plaintiff prays for judgment in his favour in the total sum of SCR725,000/- with interests and costs.
- [4] The 1st Defendant - the Attorney General, representing the Government of Seychelles – and the 2nd Defendant - the Seychelles Police Force represented by the then Assistant Superintendent of Police Antoine Denousse – denied Plaintiff's allegations as false and baseless. They also deny any liability and pray for the dismissal of the suit with costs.

Pleadings

- [5] In his amended plaint, the Plaintiff pleads that on 13 November 2021 he was arrested by police officers and detained in custody for approximately ten hours. He avers that the arrest and detention were unlawful. He further pleads that he is diabetic and that while in detention he became unwell and required medical treatment. He claims damages for unlawful arrest, unlawful detention, moral damages for emotional distress, and damages for pain and suffering.
- [6] The Defendants, in their Written Statement of Defence, deny that the arrest and detention were unlawful. They plead that a complaint was received at Mont Fleuri Police Station from one Patricia King alleging insults and threats of violence by the Plaintiff. They state that the 2nd Defendant had received information that the complainant was afraid and that police had not attended, and that he then instructed officers to attend the scene and effect an arrest if necessary.
- [7] The Defence further avers that police officers attended the scene and that officer Tirant arrested the Plaintiff without the use of force. They state that since no force was used, the Plaintiff could not have sustained any injuries during the arrest. They rely on the medical report to state that the Plaintiff had no physical injuries when seen by the doctor and made

no complaint of injury caused during arrest. They further state that the Plaintiff was taken to a doctor on the same day.

- [8] The Defendants also plead that police officers were acting within the scope of their employment and that liability of the Government arises only where an employee, acting within the scope of employment, has caused legally recognised harm. They contend that the Plaintiff does not disclose a cause of action against the Defendants and that the action should be dismissed.

Evidence

- [9] The Plaintiff testified that on 13 November 2021 he was standing outside his home with a glass of water when a police vehicle stopped. He was informed by officer Claude Tirant that officer Denousse had sent him to arrest him. Officers Augustin and Tracy were present. He was told he would be taken to Mont Fleuri because an officer wanted to speak with him.
- [10] He stated that no reason for arrest was disclosed at that time. Police entered his mother's house without him and searched for signs of damage. They told him they found nothing broken. He was nevertheless arrested. He was taken to Central Police Station, not Mont Fleuri. His mobile phone was taken from him.
- [11] He testified that he informed the police that he was diabetic and needed medical treatment and wanted to see his lawyer. He was taken to the clinic only after his lawyer arrived. He said he was detained for ten hours. He stated that the police did not check on his medical condition while he was in custody. He was handcuffed when taken to the clinic. He confirmed he was not physically assaulted.
- [12] In cross examination, Plaintiff stated that he was not informed that Patricia King had made a complaint. He did not confirm any altercation with her, stating only that he heard her refer to one. He confirmed the period of detention was ten hours, not twenty-four as first pleaded.
- [13] According to the investigation diary (Exhibit P2), on 13 November 2021 at 12:34 a patrol officer, officer Augustin, met Patricia King, aged 57, who stated she was a carer working with the mother of the Plaintiff. She reported that she had forgotten to close a

door at the mother's house and that the Plaintiff insulted her. She stated that if he wanted to fight she would fight back. Officer Augustin warned the Plaintiff to keep the peace.

- [14] At 12:38 officer Denousse attended at the station and instructed that patrol officers to attend a scene at Brilliant at the dwelling house of the Plaintiff because he was said to be "causing problem". He gave an order that the Plaintiff be arrested.
- [15] At 13:09 officer Perreau reported that upon arrival they met the Plaintiff standing outside calmly. He was informed that there was an allegation that he had been causing trouble since the previous day. Nothing was observed to be broken or damaged in the house. By order of officer Denousse, he was arrested for breach of peace. He was brought to Central Police Station at 13:10 and placed in a cell.
- [16] At about 14:30, police were informed that the Plaintiff said he was sick and requested to go to hospital. The medical report (Exhibit P3) shows he was taken to English River Health Centre where he was treated for diabetes. His blood sugar and blood pressure were elevated. He was given insulin and saline infusion, kept under observation and discharged under clinical care.
- [17] Dr Barun Kumar Saha gave evidence that he did not personally examine the Plaintiff but confirmed from the record that the Plaintiff was treated for elevated blood sugar and blood pressure. He stated that if untreated the condition could have been dangerous and could possibly lead to diabetic coma.
- [18] Officer Tirant confirmed he received a directive from officer Denousse to arrest the Plaintiff. He found the Plaintiff standing outside holding what he believed to be a cup of whisky and water. He telephoned officer Denousse and said the Plaintiff was not doing anything, but officer Denousse told him to arrest him. He stated he did not handcuff the Plaintiff because they were good friends. He knew the Plaintiff was diabetic. He said the Plaintiff was not aggressive. He was just following orders.
- [19] Officer Denousse testified that he received a call that Patricia King had filed a report alleging threats of violence and that police had not responded. He said she reported that a knife had been involved. He then called Mont Fleuri station and gave instructions to arrest the Plaintiff. He stated that threatening violence is an arrestable offence.

[20] In cross examination, he accepted that no offence had been committed by the Plaintiff. He said he never mentioned breach of peace to the officers and did not tell them there was anything damaged in the house.

[21] Patricia King testified that she had problems with the Plaintiff, that he swore at her, and on one occasion went to get a machete after an argument. She said she called police and they did not come. She later made a formal complaint. She confirmed her statement to police mentioned a machete, but that statement was not produced in evidence.

Submissions

[22] Counsel for the parties filed written submissions for which the Court is thankful. The submissions have been considered by the Court although, not reproduced herein.

Issues for determination

[23] Based on the pleadings, evidence and submissions made on behalf of the parties, the following issues arise for determination:

- i. Whether the arrest of the Plaintiff on 13 November 2021 was lawful?
- ii. Whether the detention of the Plaintiff for approximately ten hours following his arrest was lawful?
- iii. Whether, in effecting the arrest and detention, the Defendants committed a *faute* in law?
- iv. Whether the Government of Seychelles represented by the Attorney General is liable for the *faute* of the 2nd Defendant?
- v. If liability is established, whether the Plaintiff is entitled to damages for emotional distress and pain and suffering arising from his medical condition during detention.
- vi. The appropriate quantum of damages, if any, to be awarded on the facts of this case.

Law and Analysis

- [24] Article 1382 of the Civil Code obliges the person who causes damage(s) to another to repair the damage, and Article 1384 engages the liability of the employer for damage(s) caused by his employee whilst acting within the scope of his employment.
- [25] Unlawful arrest and detention, whether detention is unlawful from inception or ceases to be lawful, entails liability for *faute* under Articles 1382 and 1384 of the Civil Code.
- [26] In *Savy v Attorney-General (CS 371/2008) [2010] SCSC 73*, the court emphasized that a claim for unlawful detention properly lies in *faute* under article 1382 of the Civil Code. Liability arises where an act or omission amounting to an error of conduct causes damage to another. It made clear that unlawful detention constitutes such a *faute* because it amounts to a legal injury to the fundamental constitutional right to liberty. The position is analogous to the common law tort of false imprisonment, which is actionable *per se*.
- [27] Thus, liability arises where police officers, as State agents, act without lawful authority, or exceed the authority granted to them, thereby causing harm to a person.
- [28] The Court has considered the evidence, including the testimony of the plaintiff, Mr Sonny Labrosse, senior police officer Antoine Denousse, the arresting officers, and Ms Patricia King, as well as the documentary evidence, including the Investigation Diary (Exhibit P2) and the medical report of Dr Barun Kumar Saha (Exhibit P3).
- [29] The Court is satisfied that on 13 November 2021, Plaintiff was arrested at his residence on the directive of officer Denousse, an employee of the 2nd Defendant. The purported basis for the arrest was complaints allegedly made by Ms Patricia King, a carer employed by the Plaintiff's mother. Ms King testified that she had been threatened by Mr Labrosse and had, on that day and in follow-up calls, sought police intervention. She also indicated that she had made a formal written complaint; however, no such complaint was adduced into evidence before the Court.
- [30] Officer Denousse gave evidence that he had received a call regarding a complaint made by Ms King. He admitted that he had not specified any breach of peace, nor did he instruct the officers that there were weapons present or that an offence had been committed at the time of the arrest. He admitted in cross examination that no offence

had been committed by the Plaintiff. The officers, including Officers Tirant, Perreau, and Augustin, executed the directive without witnessing any offence themselves. Officer Tirant exercised care in the execution of the arrest, initially refraining from using handcuffs and safeguarding the plaintiff's personal effects.

- [31] Following arrest, the Plaintiff was detained for approximately ten hours. The Court is satisfied that he was granted access to legal representation and was subsequently taken to hospital for medical attention. The Court is also satisfied that the detention was temporary and that medical treatment was provided when required.
- [32] The Court is, however, not satisfied that there is any evidence to support a finding of malice or bad faith on the part of officer Denousse or any of the arresting officers. The errors in judgment arose in the course of the performance of official duties. Officer Denousse acted within his capacity as a senior officer of the Seychelles Police Force, receiving reports regarding a complaint and issuing an arrest directive in the exercise of his official functions. Officer Tirant and the other officers acted within the scope of their employment in effecting the arrest.
- [33] Nevertheless, the Court finds that the *faute* lies with the 1st Defendant. The unlawful nature of the arrest arises from the failure of the 1st Defendant to ensure that procedural safeguards were observed. Issuing an arrest directive without sufficient verification of the alleged complaint, and without ensuring that Plaintiff was informed promptly of the specific grounds for his detention runs afoul the constitutional and statutory safeguards under Article 18(3) of our Constitution and Section 18 of the Criminal Procedure Code respectively.
- [34] The State bears vicarious liability for the *faute* of the officers in this matter as reinforced in *Savy v Attorney-General* [2010] SCSC 73, *Canaya v Government of Seychelles* [2000] SCSC 8, and *Cushion v Commissioner of Police* [2021] SCSC 1054.
- [35] The Court finds that the unlawful deprivation of liberty and resulting emotional distress suffered by Plaintiff is attributable to the 1st Defendant. The Court emphasises that police must ensure that arrest and detention are effected in accordance with constitutional and statutory safeguards.

- [36] Once it is established that arrest and detention was unlawful, as in the present case, the Plaintiff is entitled to damages.
- [37] The Court has considered the evidence regarding the Plaintiff's detention on 13 November 2021, the length of custody, and the impact on his emotional and physical wellbeing. The Plaintiff was detained for approximately ten hours at the Station before being taken for medical attention. During this period, he was not promptly informed of the grounds for his arrest, contrary to the protections under Article 18(3) of the Constitution.
- [38] In assessing compensation, the Court is guided by prior awards in similar cases concerning unlawful arrest and detention in Seychelles. In *Cesar Marie v Attorney-General* (CS 424/1998), the Court awarded SCR 15,000 for unlawful detention of one hour. In *Canaya v Government of Seychelles* (CS 42/1999), a detention of eighteen hours attracted an award of SCR 5,000. An award of R5000 was made by the Constitutional Court in *Lajoie v Government of Seychelles* Const 1/1999 (unreported) in similar circumstances. In *Evenor v Government of Seychelles* (CS 357/1998), the sum of SCR 20,000 was awarded as moral damages for fear and emotional stress while in detention at the Grand Police Army Camp, and for loss of civil rights of personality.
- [39] In *Dodin v Barbier* (CS 222/2005) it was further confirmed that damages are to be assessed contextually rather than by any rigid tabulated scale, awarding SCR 20,000 for four days' unlawful detention. The Supreme Court in *Savy v Attorney-General* (CS 371/2008) awarded SCR 25,000 for detention of roughly thirty-nine hours, including moral damages. In the case of *Aglae v The Attorney General* (2009) SCSC 94, the Supreme Court awarded only the sum of SCR 10,000 as moral damage to the claimant for illegal and unlawful imprisonment which was the faute committed against him. The Court notes that in *Cushion v Commissioner of Police* (CS 8/2021), unlawful detention for approximately 16 hours resulted in an award of SCR 60,000.
- [40] The Court notes that, consistent with these authorities, unlawful detention constitutes a faute under Article 1382 of the Civil Code, giving rise to a compensable claim. The Court also emphasises that the purpose of damages is to redress the plaintiff for loss of liberty, emotional distress, and reputational impact, rather than to penalise the State.

- [41] Applying these principles to the present case, a ten-hour detention that occurred without the plaintiff being informed of the reason for arrest and in the absence of corroborated evidence constitutes unlawful deprivation of liberty. Having regard to the awards in the cases cited above, the Court finds that an appropriate award for the unlawful detention is required, reflecting both the duration of custody and the circumstances surrounding the arrest.
- [42] In *Madeleine v Land Marine Ltd* [2021] SCSC 864, the Court held the defendant vicariously liable where its employees' handling and tally errors led to the plaintiff's wrongful arrest, even though the arresting authority acted in good faith. The fault lay in the defendant's conduct, which triggered the chain of events causing moral prejudice. The Court awarded SCR100,000/- in moral damages, stressing that compensation must be proportionate and not punitive.
- [43] For moral damages arising from the emotional distress, anxiety, and humiliation suffered during the detention, and drawing guidance from the cases above-mentioned, the Court awards SCR 50,000/-. This sum recognises the foreseeably harmful impact of being deprived of liberty without explanation and the violation of constitutional safeguards.
- [44] The total award for unlawful arrest and detention and associated moral damages is therefore SCR 120,000/-. No evidence has been adduced to justify the claimed sums for pain and suffering beyond what is incorporated into the moral damages. The Court reiterates that damages must be assessed objectively based on proven unlawful acts and their effects, rather than on the Plaintiff's claimed figures.

Order

- [45] For the reasons set out above, the Court finds that the arrest and detention of the Plaintiff on 13 November 2021 were unlawful. The 1st Defendant, the Attorney General, is vicariously liable for the faute of the 2nd Defendant. The Plaintiff is therefore awarded damages in the total sum of SCR 120,000/-, comprising SCR 70,000/- for unlawful arrest and detention and SCR 50,000/- for moral damages arising from emotional distress.
- [46] Costs of the proceedings are awarded to the Plaintiff.

Signed dated and delivered at Ile Du Port, Mahe on 9th February 2026.



Madeleine, J

