

**IN THE HIGH COURT OF THE
REPUBLIC OF SINGAPORE**

Suit No. of 2010)

Between

MICHAEL JOSEPH FERNANDEZ THUMBA
(NRIC No. ██████████)

... Plaintiff

And

ATTORNEY GENERAL
(I.D Does not exists)

...Defendant

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WRIT OF SUMMONS

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M.Ravi

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Ref No: MR.6116.10

Filed this th day of December 2010

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IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

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Between

MICHAEL JOSEPH FERNANDEZ THUMBA
(NRIC No. ██████████)

... Plaintiff

And

ATTORNEY GENERAL
(I.D Does not exists)

... Defendant

To : **ATTORNEY-GENERAL**, is the legal representative of the Government of the Republic of Singapore.

THIS WRIT OF SUMMONS has been issued against you by the abovenamed Plaintiff(s) in respect of the claim indorsed herein. **WITHIN EIGHT DAYS** after the service of this Writ on you, you must either satisfy the claim or cause an appearance to be entered for you using the electronic filing service and in default of you so doing the Plaintiff(s) may proceed with the action and judgment may be entered against you without further notice.

Dated this ____ day of December 2010

Solicitors for the
Plaintiff(s)

Assistant Registrar
High Court Singapore

N.B. This writ may not be served more than six (6) calendar months after the above date unless renewed by an Order of the Court. The Defendant(s) may enter an appearance(s) either personally or by a solicitor at the Registry of the High Court. If the Defendant(s) enters an appearance, then he/they must also serve a defence on the solicitor for the Plaintiff within 14 days after the last day of the time limited for entering an appearance, otherwise judgment may be entered against him/them without further notice.

STATEMENT OF CLAIM

1. The Plaintiff's claim against the Defendant is for damages for battery and negligence arising from the torture committed upon him, resulting in a breach of fundamental human rights, during his detention under the Internal Security Act (Cap 143), hereinafter referred to as ISA, and the personal injuries sustained by him as a result of the above.

2. At all material times, the Plaintiff was a political detainee, detained by the Government of the Republic of Singapore, under the ISA, along with 40 others.

3. At all material times, the Defendant was the legal representative of the Government of the Republic of Singapore.

4. The material time in question was during the Plaintiff's detention from 1964 to 1973.

6. The Plaintiff was arrested under ISA on 11th September 1964. He was released in April 1973, only to be re-arrested and unconstitutionally detained in February 1977.

7. During his 9 years of detention between 1964 and 1973, he was subjected to severe physical and mental torture, humiliation and loss of income.

8. On several occasions, cruel and inhumane punishment was meted out to him under the guise of "lawful detention".

9. The Defendant through his agents, i.e. the Internal Security Department, Singapore Prison Authorities and the Ministry of Home Affairs, had performed the aforesaid acts of torture against him.

PARTICULARS OF BATTERY OF THE DEFENDANT

- a) Manhandling of the Plaintiff on several instances.
- b) Restraining the Plaintiff by making him sit on a chair and handcuffing his hands behind his back and manacling his legs to the stands of the chair and forcing thick tubes down the Plaintiff's throat in an attempt to force feed him.
- c) Depriving the Plaintiff of sleep by the act of deploying *Gurkhas*, who were engaged as guards. They constantly opened the peep holes of the cell every 15 minutes to check on the Plaintiff which caused him suffer numerous nervous breakdowns and sleep disorders.

PARTICULARS OF NEGLIGENCE OF THE DEFENDANT

- a) Failing to ensure that the Plaintiff's cell was humanely habitable where the walls were splattered with blood and all sorts of graphitis and not limited to the fact that the cell was infested with lizards, cockroaches, ants, rodents and etc.
- b) Failing to provide adequate medical attention to the Plaintiff when the Plaintiff had complained of physical injuries he had sustained from the battery caused upon him by the respective authorities.
- c) Failing to ensure that the requisite standards of fundamental human rights with regards to the treatment of prisoners/ detainees have been met

PARTICULARS OF PERSONAL INJURIES CAUSED AS A RESULT OF THE ABOVE ACTS OF BATTERY AND NEGLIGENCE

- a) The Plaintiff suffered severe sleeping disorders during his detention and several years following thereafter.

- b) He also suffered and still suffers from frequent hallucinations of being strangled and choked to death.
 - c) The Plaintiff still suffers from lumps on his stomach which is a result of intense pinching by the prison authorities and/or Internal Security Department officers.
10. By reason of the abovementioned matters, the Plaintiff sustained injuries and has suffered loss and damage.

PARTICULARS OF GENERAL DAMAGES

a)	Pain and suffering	To be assessed
b)	Loss of amenity	To be assessed
c)	Mental Distress	To be assessed
d)	Humiliation/Loss of Reputation	To be assessed
e)	Future medical expenses	To be assessed

AND the Plaintiff claims:-

- a) General Damages;
- b) Interest on the general and damages thereon at such rate and for such period as the Court may deem fit;
- c) A declaration that the Defendant has breached the fundamental human rights of the Plaintiff, by virtue of section 18 of the Supreme Court of Judicature Act (Cap 322), read with paragraph 14 of the First Schedule of the same and Order 15 Rule 16 of the Rules of Court, subject to the interpretation of Article 9 of the Constitution of the Republic of Singapore by way of reference to the meaning of "torture" contained in following laws, which were applicable at that period of time to Singapore as a crown colony:-

(1) Magna Carta (1215),

- (2) English Bill of Rights (1689) and
- (3) Article 3 of the European Convention on Human Rights (1950)
- d) Costs; and
- e) Further or other reliefs as this Honourable Court may deem fit.

Dated this ^{22nd} day of December 2010.



SOLICITORS FOR THE PLAINTIFF

~~And \$2,000.00 (or such sum as may be allowed on taxation) for costs and also, if the Plaintiff(s) obtains an order for substituted service, the further sum of \$350.00 plus disbursements (or such sum as may be allowed on taxation). If the amount claimed and costs be paid to the Plaintiff(s) or his solicitor within eight (8) days after service hereof (inclusive of the day of service), further proceedings will be stayed.~~

This Writ is issued by Messrs L.F. Violet Netto, Solicitors for the Plaintiff whose address is care of 101 Upper Cross Street, #05 – 13, People's Park Centre Singapore 058357.

ENDORSEMENT AS TO SERVICE

This writ was served by _____ by way of personal service (or as may be)(state manner of service or in accordance with the terms of an order for substituted service) on the defendant (who is known to me)(or who was pointed out to me by _____) (or who admitted to me that he was _____) at (place) on the day of _____ 2006, at _____ a.m/p.m.

Endorsed the _____ day of _____ 2010

Process Server