

Freedom Rewards credit card
Representative example

18.9% APR
Representative (variable)

18.9% p.a.
Purchase rate p.a. (variable)

£1,200
Assumed credit limit



Apply now




'Exemplary' damages win for robber

A foreign national jailed for 12 months for robbery has been awarded £25,000 damages because he was detained too long while attempts were made to deport him.



Algerian citizen Aziz Lamari has been awarded £25,000 damages because he was detained too long while at

In June last year, the High Court ruled that Algerian citizen Aziz Lamari should have been released the previous month - as it was clear there was no realistic prospect of him being removed within a reasonable timeframe and medical reports revealed he was suffering from serious mental illness and had twice attempted suicide.

It also found that the Home Secretary was in contempt of court because her department failed to release Lamari after it accepted he should no longer be in detention and gave an undertaking to release him into suitable accommodation.

Lamari, 23, who has now returned to Algeria, was detained after his robbery sentence came to an end in December 2010 and his deportation ordered.

After Judge Barry Cotter's ruling, the Home Office accepted liability for basic and aggravated damages to compensate for the period of 23 days unlawful detention, but denied liability for exemplary damages.

Today, the judge awarded £10,000 basic compensation plus £5,000 aggravated damages and took the exceptional step of saying the case called for an award of £10,000 exemplary damages "by way of punishment, to deter and to vindicate the strength of the law".

He said that the unlawful detention had to be seen in the light of Lamari's serious mental health problems and the evidence of his significant deterioration, as witnessed by his cellmate, could not be ignored.

"It had been clearly set out that the continued detention of the claimant was the cause of his mental health problems and had been the likely cause of two serious suicide attempts. The defendant acted contrary to her undertaking in the full knowledge of the effect that the claimant's unlawful detention had on his mental health."

Other aggravating features were the contempt of court and the fact that when Lamari was released, on June 14 2012, no warning had been given to the manager of the bail accommodation and he was forced to sleep rough outside without food or water.

The judge said that this amounted to "little short of contempt" for the well being of a man who spoke no English and was in a poor state.

"Worse still the position he was placed in was likely to tempt him to abscond or seek money or food with potential consequences for members of the public. In the absence of any other information as to how events came to pass I consider it as little short of shameful conduct.

"The courts hear criticism of the approach of other countries to the welfare of individuals pending immigration or asylum decisions with the assumption that such conduct could never occur here.

"However, this case proves that all may not always be as it should be. I sincerely hope that following this judgment the circumstances of the claimant's release are carefully reviewed."

The judge said: "I have little hesitation in finding that the relevant conduct in this case was indeed outrageous.

"I find that there was an extraordinary, wilful and highhanded disregard of the court and the claimant's rights flowing from his success at court.

"The disregard of the court was arbitrary and unconstitutional and taken against the background of the claimant's mental health - which had led to the undertaking and order - it was most obviously oppressive."

He said that it was not just a question of the Secretary of State - as it had been in other cases - "not covering herself in glory".

"This was of a very different and most serious order. There was a gross misuse of power in continuing to detain the claimant despite the undertaking and an order of the court that required his release."

The judge said that the award of exemplary damages was an "exceptional remedy".

"However, in light of the egregious conduct of the Secretary of State in this matter an award of basic and aggravated damages, taken together with the fact of a finding of contempt, publicity and costs would not be sufficient punishment.

"This case calls for an award of exemplary damages by way of punishment, to deter and to vindicate the strength of the law."

Lamari first arrived in the UK in July 2009 and applied for asylum but then absconded and was returned from the Netherlands but absconded again. In April 2010 he was arrested on suspicion of robbery and convicted the following August.