

IN THE HIGH COURT OF FIJI
AT LAUTOKA
CONSTITUTIONAL JURISDICTION

Constitutional Redress Case No: HBM 7 of 2017

BETWEEN:

ETUATE RULADE SUGUTURAGA

Applicant

AND:

- 1. ATTORNEY GENERAL OF FIJI**
- 2. COMMISSONER FIJI CORRECTIONS SERVICE**
- 3. SUPERVISOR OF CORRECTIONS WESTERN**

Respondents

Applicant in person

Mr. Mainavolau (A.G.O.) for the Respondents.

Date of Hearing: 26 June 2017

Date of Judgment: 05 July 2017

JUDGMENT

- [1] The Applicant applies for Constitutional Redress for what he perceives to be a breach of his constitutional rights arising from his detention in custody following a conviction for fraud in June 2016.

In an affidavit accompanying his Notice of Motion the applicant raises the following complaints:

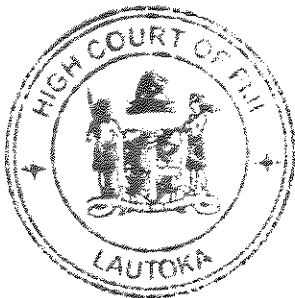
- 1) The inspection of his naked body with a mirror placed on the floor while he squats breaches his right to freedom from unreasonable search (section 12 (1) of the Constitution of the Republic of Fiji 2013 (“the Constitution”) as well as a breach of his right to freedom from inhumane and degrading punishment (section 11(1)

- 2) The change of visiting days from daily to Tuesday and Thursday breaches his rights to visits from next of kin (section 13(1)(k)) because they are only able to visit on weekends.
- 3) He has been deprived of his rights to a daily newspaper which would give him access to the outside world.
- 4) The recent reduction in the quantity of food served breaches his right to freedom from torture.

[2] The simple reading of the Applicants list of grievances displays the trivial and frivolous nature of his application.

[3] Detention in a correctional services facility is not akin to a hotel. It is not necessary to go further to outline the alternative remedies the applicant might have.

[4] The application is frivolous and vexatious and is immediately dismissed.



Paul K. Madigan

Judge.