

**IN THE HIGH COURT OF FIJI**  
**AT LAUTOKA**  
**CONSTITUTIONAL JURISDICTION**

**Constitutional Redress Case No. HBM 2 of 2017**

**BETWEEN:**

**ETUATE RULADE SUGUTURAGA**

**Applicant**

**AND:**

**ATTORNEY GENERAL OF FIJI**  
**COMMISSIONER FIJI CORRECTIONS SERVICE**

**Respondents**

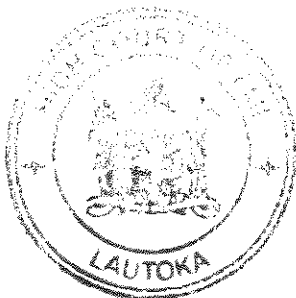
Applicant in person  
Mr. J. Mainavolau (OAG) for the respondents

Dates of Hearing: 17 and 31 May, 5 & 19 June 2017  
Date of Judgment: 06 July 2017

**JUDGMENT**

- [1] By way of Notice of Motion and affidavit supporting, the applicant applies for constitutional redress.
- [2] He prays that as a result of the Corrections Service Officers incorrectly thinking that he was the organizer and instigator of a hunger strike protest at the Lautoka Remand Centre in January 2017, he was removed from the Centre and sent to the maximum security facility in Naboro where he was detained with serving prisoners. At the time he was a remand prisoner and this move breached his right to be kept separately from persons serving a sentence, which is a right contained in section 13(1)(e) of the Bill of Rights, Chapter 2 of the Constitutional of the Republic of Fiji 2013 ("the Constitution").
- [3] Furthermore, at the Naboro prison he was locked in a cell with no light, half a mattress and one blanket, no pillow and no mosquito net. There were no facilities for him to write and prepare his defence at trial.

- [4] By way of redress he seeks the following orders:
1. That the Corrections Service pay him \$5,000 every day he was held at Naboro, and
  2. That this Court makes a "landmark ruling with regard to treatment of remand prisoners and the role of the Fiji Corrections Service.
- [5] In response to these allegations, the Supervisor Corrections, Lautoka swears by Affidavit that the applicant was the ring leader of the protest strike in January and he and one other were fomenting revolt amongst 32 other inmates. He had no option but to remove him and his fellow instigator from the facility to Naboro. The protests at Natabua ceased immediately. The Supervisor deposes that his paramount duty is to ensure safety and order within the remand center and the applicant was threatening that safety.
- [6] The Supervisor denies the exaggerated claims of ill treatment by the applicant and deposes that his human rights were respected at Naboro; he had study facilities, room lighting two blankets a pillow and mosquito protection.
- Analysis.**
- [7] The granting of pecuniary redress is not possible on this application. It would have to be made pursuant to a writ of summons.
- [8] The re-housing at Naboro was a temporary measure to prevent danger and insecurity to the whole body populace within the Natabua prison. If it were in breach of section 13(1)(e) of the Bill of Rights , it was a right limited under section (5)(c) by an action undertaken and with lawful authority by the Supervisor to protect his institution from violent insurrection.
- [9] In any event the breach was remedied by moving the prisoner applicant back to Natabua.
- [10] The application is frivolous and vexatious and is refused.



*P.K. Madigan*

**P.K. Madigan**  
**Judge**