

IN THE HIGH COURT OF FIJI
AT LAUTOKA
CONSTITUTIONAL JURISDICTION

Constitutional Redress Case No. HBM 20 of 2016

JOSUA NATAKURU

Applicant

v

ATTORNEY GENERAL OF FIJI
COMMISSIONER OF CORRECTION SERVICES

Respondents

Dates of Hearing: 1, 3 May and 19 June 2017
Date of Judgment: 6 July 2017

JUDGMENT

- [1] The applicant seeks constitutional redress for what he claims to be a breach of his right to detention with dignity and right to freedom from assault pursuant to sections 13(1)(j) and 11(1) of the Constitution of the Republic of Fiji 2013, respectively.
- [2] In his affidavits he claims to have been assaulted by two officers of Correctional services when he requested to go out of his cell into the fresh air. He deposes that the assaults were so serious that three of his ribs were fractured as evidenced by an x-ray taken several weeks later.
- [3] He has written to the Commissioner Correctional Services and to the Chief Justice to complain .It was only after Aluthge J. made an order, that he was able to be examined by a medical officer at Lautoka Hospital.
- [4] By way of relief, the applicant seeks:
1. Damages of \$100,000
 2. That the Commissioner be ordered to accord every prisoner his/her rights under the Bill of Rights
 3. That the Commissioner be ordered to issue a directive to all officers to immediately stop assaulting prisoners,
 4. That two named officers be immediately dismissed.

- [5] It was explained to the Applicant at the hearing that he could only claim financial relief on a writ of summons. And also that he had no right to move the Court to act on third parties.
- [6] Section 44 (4) of the Constitution gives the Court discretion to refuse the application should the court consider that adequate alternative remedies are available.
- [7] Apart from the frivolous nature of this Application, by requesting large sums of compensation, and by seeking to control the Commissioner, the applicant has not proved to the Court that he has exhausted his possible alternative remedies.
- [8] In the premises, this Court would refuse the application.



A handwritten signature in black ink, appearing to read "P.K. Madigan".

P.K. Madigan
Judge