

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

**Constitutional Miscellaneous No. HBM 28 of 2016**

**ISAIA BOBO**  
**[Applicant]**

vs.

**COMMISSIONER OF POLICE**  
**[1<sup>st</sup> Respondent]**

**&**

**ATTORNEY GENERAL OF FIJI**  
**[2<sup>nd</sup> Respondent]**

**Date of Ruling** : 10 February, 2017

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**R U L I N G**

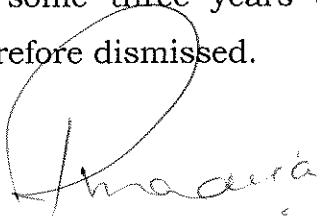
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- [1] By way of Notice of Motion and accompanying Affidavit, the Applicant applies for Constitutional Redress. He deposes that on arrest and detention in Rakiraki Police Station in November 2013, he was assaulted and threatened by officers there and was subjected to cruel, inhumane and degrading treatment.

- [2] As a result of those improprieties he suffered physical injuries and without stating which right he is claiming to have been breached he asks that the officers concerned be disciplined and that he, the deponent, receive compensation.
- [3] The Constitution of the Republic of Fiji 2013 (“the Constitution”) does indeed guarantee to any person the right to freedom from torture and from inhumane and degrading treatment (s.11(1)) and to be free from any form of violence (s.11(2)). Such treatment if proved would be in breach of his constitutional rights.
- [4] The application was filed in this Court on the 29<sup>th</sup> November 2016.
- [5] Section 3(2) of the High Court (Constitutional Redress) Rules 2015 states as follows:

*“(2) An application under paragraph (1) (an application for redress) must not be admitted or entertained after 60 days from the date when the matter at issue first arose.”*

- [6] This application being some three years out of time, it will not be entertained and it is therefore dismissed.

  
**Paul K. Madigan**  
**Judge**



**At Lautoka**

10 February, 2017