



FIJI HUMAN RIGHTS COMMISSION

GPO Private Mail Bag
SUVA, FIJI ISLANDS

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Press Statement

The Suva High Court today refused an application by the Fiji Human Rights Commission to intervene in the case of Dr Anirudh Singh who in November 2006 won his vicarious liability case against the State for RFMF soldiers' abduction, false imprisonment, torture and interrogation relating to the military coup of 1987.

In its ruling, the High Court (Coventry J) stated that while the Commission could intervene in any case which may not specifically involve human rights breaches, it was refused intervention in this particular case because the proceedings throughout had been conducted as a claim in tort, including opening and closing statements, evidence and argument. The court said that the plaintiff and the defendant both stated that there was adequate scope within the normal rules for damages and exemplary damages for meeting what was due to Dr Singh.

The court said that the hearing throughout had been conducted as an action in tort and not under the Constitution.

Dr Shameem, who appeared for the Proceedings Commissioner in this application said she was satisfied with the court's decision. The Proceedings Commissioner had made the application to intervene after all the evidence had been heard because the Commission had become aware of the case only through the media when the case had nearly concluded. Under these circumstances it did not have the right to present its own material or to refer to facts other than those already brought before the court by the parties. This therefore limited the Commission's intervention only to the human rights law on damages.

The Commission also said that it noted Justice Coventry's ruling that it might well be that proceedings come to the notice of the Commission which do involve human rights but in which the parties have either not realized human rights might be involved or are not clearly and correctly putting them to court. The court would benefit from the intervention of the Commission as *amicus curiae* in these circumstances. However, in the Dr Singh case, the matter could be dealt by applying the normal rules for damages for tortuous acts.

Dr Shaista Shameem

Director