

**CASTAN CENTRE FOR HUMAN RIGHTS LAW
CHARTER OF HUMAN RIGHTS MOOTING COMPETITION 2007**

PRELIMINARY ROUNDS (22nd and 24th August 2007)

**In the Supreme Court
of Victoria**

In the Matter of:

Joseph Richard Johnson

Appellant

and

Prison Management Ltd and Corrections Victoria

Respondent

JRJ is a prisoner at the privately run prison located in Sale Victoria. JRJ is a practicing Sikh whose adherence to their faith requires the wearing of a turban and precludes the wearing of any other or additional head coverings. JRJ has recently been moved from working in the wood work section of the prison to metal fabrication and welding work area. Working in this area requires JRJ to wear a helmet. JRJ refused on the basis of his religion. The guards did not accept this as an excuse and forcibly removed JRJ's turban in front of other prisoners. The guards argued that wearing the helmet was necessary in order to comply with workplace safety regulations and stated that there was no reason that JRJ should be subject to "special treatment" or "get out of his" work obligations just because he considered himself "different." JRJ was forced to go without his turban for two weeks until, after complaining daily to prison authorities, his turban was returned to him and he was placed in the woodwork area again where he was not required to wear any head protection.

JRJ felt humiliated and extremely distressed at being forced to remove his turban and go without it for a two week period. He feels that his right to practice and express his religion has been severely compromised.

Since this event the guards have subjected JRJ and other prisoners to frequent room searches in which private letters from his family have been opened and read in front of him and are sometimes confiscated. JRJ also claims that letters from family and friends do not always reach him, that they were often already opened, and that sometimes pages of the letters were missing. JRJ has since requested his family to stop writing to him as he feels that his communication with them is his last area of privacy and does not want the guards reading his personal letters.

The guards have stated that the room searches are not connected to the “turban incident” or directed at JRJ and rather are part of a prison wide crack down on security. This crack down was sparked by a violent incident which occurred at the prison as a result of a knife which was smuggled in through arrangements made between a prisoner and outside friend. The guards state that it is in the interests of the prisoners that cell checks are held frequently and randomly to ensure that prisoners are not able to hide or destroy anything which the authorities need to be aware of or remove. They state that reading the letters sent by family and friends is part of increased measures associated with the security crackdown.

JRJ is suing the prison operators for assault and also for a violation of his rights under the Charter of Human Rights and Responsibilities Act. He claims that his right to freedom of religion and belief has been violated and that he has been treated in an inhumane and degrading way when deprived of his liberty. He also claims that the searching of his cell and opening of his personal mail constitutes a violation of his right to privacy. He also asserts that these actions have damaged his relations and communications with his family, undermining the protection of families offered under the Charter.