



**1. Is there any independent corroboration of the military going to villages trying to force people with serious threats to sign a petition in favour of the Peoples’ Charter for Change and Progress, anywhere in Fiji?**

In 2008 teams of government officials, accompanied by the Fijian police and military undertook formal nationwide consultations aimed at assessing support for the government’s *People’s Charter for Change, Peace and Progress*.<sup>1</sup> The government has stated that between August 2008 and mid-December 2008 two-thirds of the adult population in all urban centres and over 1,000 villages were consulted.<sup>2</sup> The consultation process consisted of public meetings and house-to-house visits, during which people were presented with copies of the Charter, accompanied by forms to sign with the option of supporting, supporting with concerns, or not supporting the Charter.<sup>3</sup> Reports in the form of personal accounts on a blogsite confirm that in some cases people felt intimidated by police to support the Charter and some were threatened with arrest, eviction and arson if they refused to sign in favour of the Charter proposal. Threats of physical harm, such as rape or bashing, made by police officers could not be corroborated. No reports were located suggesting such events occurred in 2009.

The role played by police in the formal consultation process for the Charter generated considerable debate within Fiji. Regime critics argued that the very use of the police and military was intentional; given their historical role as enforcers of government policy, they would naturally intimidate people into expressing support for the Charter and instil fear of the repercussions if they rejected it.<sup>4</sup> The National Council for Building a Better Fiji (NCBBF) Chairman John Samy rejected this criticism publicly, stating that “the response form on the draft People’s Charter has been designed in a manner such that people can freely express their views voluntarily and without any compulsion, intimidation... [or] force”.<sup>5</sup> Similarly a police spokeswoman declared that “[t]he only reason they [the police] are with the teams is for security purpose [sic] and nothing intimidating”<sup>6</sup> and that “officers were given forms to

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<sup>1</sup> US Department of State 2010, ‘Role of the Police and Security Apparatus’ in *Country Reports on Human Rights Practices for 2009 – Fiji*, 11 March – Attachment 1; ‘Stop the nonsense’ 2008, *Fiji Times*, 4 September – Attachment 2; ‘Charter confusion’ 2008, *Fiji Times*, 2 December <http://www.fjitime.com/story.aspx?id=107772> – Accessed 24 August 2009 – Attachment 3.

<sup>2</sup> National Council for Building a Better Fiji 2008, *Fiji – Peoples Charter for Change, Peace & Progress*, 15 December, pp.i-iii <http://www.fijipeople charter.com/fj/finalcharter.pdf> – Accessed 24 August 2009 – Attachment 4; Jon Fraenkel 2009, ‘Melanesia In Review: Issues And Events, 2008 : Fiji’, *The Contemporary Pacific*, vol.21, no.2, pp.337-352 – Attachment 5.

<sup>3</sup> ‘Widespread support for Peoples Charter in Fiji: NCBBF’ 2008, *PACNEWS, the Pacific News Agency Service*, 12 December – Attachment 6; ‘Stop the nonsense’ 2008, *Fiji Times*, 4 September – Attachment 2.

<sup>4</sup> Rauto, M. 2008, ‘Beddoes: Keep pen in pocket’, *Fiji Times*, 2 September – Attachment 19; ‘Stop the nonsense’ 2008, *Fiji Times*, 4 September – Attachment 2.

<sup>5</sup> ‘Samy demands Beddoes’ apology’ 2008, *Fiji Times*, 25 September – Attachment 9; Rauto, M., 2008, ‘People ‘not obliged’ to sign forms’, *Fiji Times*, 2 September <http://www.fjitime.com/story.aspx?id=99477> – Accessed 17 June 2010 – Attachment 10.

<sup>6</sup> Silatoga, S., 2008, ‘We’ll sign’, *Fiji Times*, 19 September 2008 – Attachment 11.

distribute but not to consult on or be a part of the signing process”.<sup>7</sup> It is clear, however, that the role of the police was not limited to security and distribution. Police were briefed on the contents of the Charter and expected to endorse its contents as government workers.<sup>8</sup> Independent reports also confirm that people signed forms in front of police officers, who acted, at times, as formal witnesses.<sup>9</sup>

There are credible reports that people, including civil servants, felt pressured to support the Charter.<sup>10</sup> The exiled former military leader Jone Baledrokadroka has stated that “many of the signatories filled in pro-charter forms under duress”,<sup>11</sup> without however specifying the form this duress took. There are also reports that intimidation occurred through direct threats; the anti-government blogspot *Soli Vakasama* provides personal accounts of threats of arrest, eviction, and arson against those who refused to sign the Charter in the period October-December 2008. The unsolicited and varied nature of these accounts speaks to the likelihood of their credibility; however, the nature of blogsites makes this difficult to determine:

benhur Says: October 6, 2008 at 4:46 pm

Ok folks what this soldiers/police group are doing to trick people to sign this piece of paper was to hand them the charter and tell them to sign acknowledging receipt of the papers! I know cause i refused to take the charter and refused to sign their paper either? although they tried to scare me by threatening to have me arrested? But they left after i threatened to call my lawyer and the Fiji Time reporters? I know that they're using all kind of tricks and intimidations to obtained peoples signatures....<sup>12</sup>

Publish date/time: 01/12/2008 [17:06]

A resident from Jittu Estate has alleged that they have been threatened with eviction by the People's Charter consultation team visiting the area today.

According to Gabriel Sanawa, they were told by a member of the team to sign the Charter form to show they support the document or they would be forced to move from their homes.

National Council for Building A Better Fiji's Media Head Filimoni Kau said they request people with such complaints to come forward to give more details as they view such allegations very seriously...<sup>13</sup>

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<sup>7</sup> 'NCBBF plays down complaint' 2008, *Fiji Times*, 18 December – Attachment 12.

<sup>8</sup> Silatoga, S., 2008, 'We'll sign', *Fiji Times*, 19 September 2008 – Attachment 11.

<sup>9</sup> Singh, M. 2008, 'NCBBF defends charter forms', *Fiji Times*, 4 September – Attachment 13; 'Charter confusion' 2008, *Fiji Times*, 2 December <http://www.fijitimes.com/story.aspx?id=107772> – Accessed 24 August 2009 – Attachment 3.

<sup>10</sup> Iyer, K., 2008, 'A violation of human rights', *Fiji Times*, 1 September [http://webcache.googleusercontent.com/search?q=cache:yHaLm12HCP8J:www.fijitimes.com/story.aspx%3Fid%3D99364+fiji+form+sign+police+threat+OR+arrest+OR+detain+%22people's+charter+%22&cd=9&hl=en&t=clnk&gl=au&lr=lang\\_en](http://webcache.googleusercontent.com/search?q=cache:yHaLm12HCP8J:www.fijitimes.com/story.aspx%3Fid%3D99364+fiji+form+sign+police+threat+OR+arrest+OR+detain+%22people's+charter+%22&cd=9&hl=en&t=clnk&gl=au&lr=lang_en) – Accessed 17 June 2010 – Attachment 14.

<sup>11</sup> Baledrokadroka, Jone 2009, 'Those with loud voices must speak up to restore democracy in Fiji', *National Times*, 14 April <http://www.smh.com.au/opinion/those-with-loud-voices-must-speak-up-to-restore-democracy-in-fiji-20090413-a4q3.html> – Accessed 16 October 2009 – Attachment 15.

<sup>12</sup> 'Blog entry: benhur' 2008, Solivakasama website, 6-8 October <http://solivakasama.wordpress.com/2008/10/06/are-those-numbers-factual-fictional-or-doctored/> – Accessed 15 June 2010 – Attachment 16.

<sup>13</sup> 'Resident Claims Eviction Threat' 2008, SoliVakasama website, 1-5 December <http://solivakasama.wordpress.com/2008/12/01/resident-claims-eviction-threat/> – Accessed 17 June 2010 – Attachment 17.

*Adi Kaila Says:* December 1, 2008 at 10:13 pm

well the charter deliverers were in full force 2 weeks ago up and down Cumming Street, Waimanu Road and Marks Street in and out of the shops bullying the shopkeepers and their staff then leaving their booklets of the draft and a sheet of paper for them to sign – but wait for it – before they left the shop they were very menacing in the way they said they would be back the next day to collect the signed sheet. Where will these shopkeepers find the time to read it then run around looking for someone to sign it...<sup>14</sup>

*Isalei Says:* December 2, 2008 at 12:08 am

Well ..sometime back that an old man in one of those settlements was threatened by some old Tf soldiers posing as civil servants that his house would be burnt down if they don't sign the form. The flawed process is not consistent with free choice or building a better Fiji bullshit they promoting...<sup>15</sup>

*Frida Says:* December 5, 2008 at 4:20 pm

They came to my house and my children told them that we do not support the charter. The guy trie to explain something but my daughter kept telling him that we do not support the charter so they asked if there was anyone wth her who is older. My niece cam out and said the same thing so they ust left.

A week ago they came in to our office and would like to speak to local staff and I told my collegue I do not have time for the charter because it is not what I want. They just left – talk about desperado.<sup>16</sup>

Refusal by individuals to support the Charter mirrored wider opposition from church and political groups traditionally hostile to the Bainimarama regime.<sup>17</sup> These critics argued that it was another measure to build support for the regime and prolong its retention of power, and that acceptance of the Charter would imply agreeing to a change in the Constitution.<sup>18</sup> In November 2008 the High Court of Fiji ordered that work on it be halted on legal grounds.<sup>19</sup>

Police monitored public debates on the Charter and it is plausible that this contributed to people's fears of the consequences of rejecting the Charter. The police questioned those who publically opposed the Charter in those circumstances where the comments contravened the

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<sup>14</sup> 'Resident Claims Eviction Threat' 2008, SoliVakasama website, 1-5 December <http://solivakasama.wordpress.com/2008/12/01/resident-claims-eviction-threat/> – Accessed 17 June 2010 – Attachment 17.

<sup>15</sup> 'Resident Claims Eviction Threat' 2008, SoliVakasama website, 1-5 December <http://solivakasama.wordpress.com/2008/12/01/resident-claims-eviction-threat/> – Accessed 17 June 2010 – Attachment 17.

<sup>16</sup> 'Resident Claims Eviction Threat' 2008, SoliVakasama website, 1-5 December <http://solivakasama.wordpress.com/2008/12/01/resident-claims-eviction-threat/> – Accessed 17 June 2010 – Attachment 17.

<sup>17</sup> 'Fiji chiefs against Charter, back church stand' 2008, *PACNEWS, the Pacific News Agency Service*, 28 August – Attachment 18; Jon Fraenkel 2009, 'Melanesia In Review: Issues And Events, 2008 : Fiji', *The Contemporary Pacific*, vol.21, no.2, p.337 – Attachment 5; Rauto, M., 2008, 'Beddoes: Keep pen in pocket', *Fiji times*, 2 September – Attachment 19.

<sup>18</sup> Australian Strategic Policy Institute 2010, 'Time for a fresh approach: Australia and Fiji relations post-abrogation', *ASPI Special Report*, January, Issue 27, p.4 – Attachment 7; Rauto, M. 2008, 'Beddoes: Keep pen in pocket', *Fiji Times*, 2 September – Attachment 19.

<sup>19</sup> 'Fiji High Court delivers blow to People's Charter' 2008, *Australian Associated Press General News*, 14 November – Attachment 20.

*Public Order Act*, that is, comments which would “incite the feelings of people”. A prominent lawyer, a political leader and a journalist were all interrogated for comments made.<sup>20</sup> Police officers also warned Methodist Church leaders at this time not to direct how members responded during the consultations, with the purported aim of letting “them make up their own minds”.<sup>21</sup>

In part due to the conditions imposed on individuals described above, the consultation process of legitimising the Charter’s reform agenda has been widely criticised. Overseas commentators and critics give little credibility to the high levels of support – above 90% – that the government says the Fijian people expressed as a result of the August-December 2008 public consultations.<sup>22</sup>

## **The People’s Charter for Change, Peace and Progress**

The *People’s Charter for Change, Peace and Progress* is a key policy initiative of the Bainimarama government aimed at widespread reform of Fiji’s governance and institutions in preparation for the restoration of democracy. This reform initiative was launched in October 2007 with the creation of the 45-member NCBBF, charged first with assessing Fiji’s major problems and then providing recommendations for improvements in the form of a draft People’s Charter. Critical to legitimising the Charter was a show of strong public support via consultations, especially in the absence of a referendum and democratic elections. Finalised in December 2008, the 40-page document establishes 11 principles or pillars, ranging from changes to the electoral system, the civil service, the use of land, and use of the term Fijian to all citizens,<sup>23</sup> all of which are expected to guide government reforms in the next three years, including reform of the Constitution.<sup>24</sup>

## **2. If so, is there any evidence as to the consequences if people refused to sign the petition?**

Limited evidence is available on the consequences for individuals who refused to sign the petition to support the Charter. No reports were found that people were harmed as a consequence of refusing to sign the Charter. The blogsite entries excerpted in response to Question One above suggest that in the cases recorded, police and officials did not follow up on threats, or were indifferent in the face of refusals to support the Charter. No follow up entries indicating that police returned to carry out their threats were found. It is of note that

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<sup>20</sup> Dorney, S., 2008, ‘Fiji police question opponents of People’s Charter’, ABC News Online, 11 August <http://www.abc.net.au/news/stories/2008/08/11/2331436.htm> – Accessed 11 June 2010 – Attachment 22; Kazmi, Kristina 2008, ‘Interim Government in Fiji Cracks Down on Opposition to Draft Charter’, *Global Insight Daily Analysis*, 13 August – Attachment 24; ‘Police advise public against anti-Charter comments’ 2008, *Fiji Sun*, 10 August [http://www.fijisun.com.fj/main\\_page/view.asp?id=4267](http://www.fijisun.com.fj/main_page/view.asp?id=4267) – Accessed 11 August 2008 – Attachment 25.

<sup>21</sup> ‘Fiji Methodists refuse to back down’ 2008, *ABC Radio Australia* website, 5 September <http://www.radioaustralia.net.au/programguide/stories/200809/s2356805.htm> – Accessed 11 June 2010 – Attachment 25.

<sup>22</sup> Rudd, K. 2009, ‘Respect For Democracy In Our Region’ *Australian Associated Press General News*, 13 May – Attachment 21; ‘Widespread support for Peoples Charter in Fiji: NCBBF’, 2008, *PACNEWS, the Pacific News Agency Service*, 12 December – Attachment 6.

<sup>23</sup> National Council for Building a Better Fiji 2008, *Fiji – Peoples Charter for Change, Peace & Progress*, 15 December, pp.i-iii <http://www.fijipeople charter.com.fj/finalcharter.pdf> – Accessed 24 August 2009 – Attachment 4; Australian Strategic Policy Institute 2010, ‘Time for a fresh approach: Australia and Fiji relations post-abrogation’, ASPI Special Report, January, Issue 27, p.4 – Attachment 7.

<sup>24</sup> Australian Strategic Policy Institute 2010, ‘Time for a fresh approach: Australia and Fiji relations post-abrogation’, ASPI Special Report, January, Issue 27, p.4 – Attachment 7; ‘Fiji PM reveals new constitution and election plans’ 2009, *Xinhua News Agency*, 1 July – Attachment 8.

anonymous reports by some police to the *Fiji Times* in September 2008 indicate that there were no consequences if they themselves did not support it.<sup>25</sup>

At a communal level, villages, districts and provinces have been required in recent months to perform traditional apologies to Bainimarama for not initially supporting the Charter. A traditional apology is normally a verbal request for forgiveness wherein the parties establish reconciliation. As at March 2010, several provinces (Cakaudrove and Rewa) continued to withhold their support without any apparent negative consequences.<sup>26</sup>

## Attachments

1. US Department of State 2010, 'Role of the Police and Security Apparatus' in *Country Reports on Human Rights Practices for 2009 – Fiji*, 11 March.
2. 'Stop the nonsense' 2008, *Fiji Times*, 4 September. (FACTIVA)
3. 'Charter confusion' 2008, *Fiji Times*, 2 December  
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<http://www.fijipeople charter.com.fj/finalcharter.pdf> – Accessed 24 August 2009.
5. Jon Fraenkel 2009, 'Melanesia in Review: Issues and Events, 2008: Fiji', *The Contemporary Pacific*, vol.21, no.2, pp.337-352.
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9. 'Samy demands Beddoes' apology' 2008, *Fiji Times*, 25 September. (FACTIVA)
10. Rauto, M., 2008, 'People 'not obliged' to sign forms', *Fiji Times*, 2 September  
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11. Silatoga, S., 2008, 'We'll sign', *Fiji Times*, 19 September 2008. (FACTIVA)
12. 'NCBBF plays down complaint' 2008, *Fiji Times*, 18 December. (FACTIVA)
13. Singh, M. 2008, 'NCBBF defends charter forms', *Fiji Times*, 4 September. (FACTIVA)
14. Iyer, K., 2008, 'A violation of human rights', *Fiji times*, 1 September  
<http://webcache.googleusercontent.com/search?q=cache:yHaLm12HCP8J:www.fijitimes>.

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<sup>25</sup> Silatoga, S., 2008, 'We'll sign', *Fiji Times*, 19 September 2008 – Attachment 11.

<sup>26</sup> 'Cakaudrove and Rewa to determine Charter support' 2010, Radio Fiji website, 31 May  
<http://www.radiofiji.com.fj/fullstory.php?id=28094> – Accessed 17 June 2010 – Attachment 26.

[com/story.aspx%3Fid%3D99364+fiji+form+sign+police+threat+OR+arrest+OR+detain+%22people's+charter+%22&cd=9&hl=en&ct=clnk&gl=au&lr=lang\\_en](http://www.smh.com.au/opinion/those-with-loud-voices-must-speak-up-to-restore-democracy-in-fiji-20090413-a4q3.html) – Accessed 17 June 2010.

15. Baledrokadroka, Jone 2009, 'Those with loud voices must speak up to restore democracy in Fiji', *National Times* 14 April <http://www.smh.com.au/opinion/those-with-loud-voices-must-speak-up-to-restore-democracy-in-fiji-20090413-a4q3.html> – Accessed 16 October 2009.
16. 'Blog entry: benhur' 2008, *Solivakasama* website, 6 October <http://solivakasama.wordpress.com/2008/10/06/are-those-numbers-factual-fictional-or-doctored/> – Accessed 15 June 2010.
17. 'Resident Claims Eviction Threat' 2008, *SoliVakasama* website, 1 December <http://solivakasama.wordpress.com/2008/12/01/resident-claims-eviction-threat/> – Accessed 17 June 2010.
18. 'Fiji chiefs against Charter, back church stand' 2008, *PACNEWS, the Pacific News Agency Service*, 28 August. (FACTIVA)
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20. 'Fiji High Court delivers blow to People's Charter' 2008, *Australian Associated Press General News*, 14 November. (FACTIVA)
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23. Kazmi, Kristina 2008, 'Interim Government in Fiji Cracks Down on Opposition to Draft Charter', *Global Insight Daily Analysis*, 13 August. (FACTIVA)
24. 'Police advise public against anti-Charter comments' 2008, *Fiji Sun*, 10 August [http://www.fijisun.com.fj/main\\_page/view.asp?id=4267](http://www.fijisun.com.fj/main_page/view.asp?id=4267) – Accessed 11 August 2008. (CISNET FIJI CX207484).
25. 'Fiji Methodists refuse to back down' 2008, *ABC Radio Australia* website, 5 September <http://www.radioaustralia.net.au/programguide/stories/200809/s2356805.htm> – Accessed 11 June 2010.
26. 'Cakaudrove and Rewa to determine Charter support' 2010, *Radio Fiji* website, 31 May <http://www.radiofiji.com.fj/fullstory.php?id=28094> – Accessed 17 June 2010.