



Australian Government
Refugee Review Tribunal

Country Advice

Fiji

Fiji – FJI36623 – Methodist Church – New Methodist Church – Employment – Jone Baledrokadroka – Youth Leaders – Press freedom – Non Government Organisations – Political activity overseas

21 May 2010

1. Please provide information on the current military regime’s attitude towards and treatment of the Methodist Church in Fiji.

In post-colonial Fiji the Methodist Church has come to play a role not unlike the Orthodox churches in a number of Balkan states, i.e. a self-styled vanguard of ethno-cultural national identity. Like its Orthodox counterparts, since independence many leaders and clergy in the Fijian Methodist Church have often publicly sided with nationalist political parties. Most controversially, some very senior figures have publicly supported the coups of Siteveni Rabuka in 1987 and George Speight in 2000, putsches which sought to create an indigenous Fijian ethnocracy. Claiming to represent the majority of ethnic Fijians, the Methodist Church represents one of the strongest civil society institutions in Fiji, with its leadership arguably some of the most influential in Fiji. These facts have brought the leadership into direct conflict with Commodore Voreqe (Frank) Bainimarama. Unlike previous coups leaders, Bainimarama claims that he was motivated by a desire to end racial divisions, protect the 1997 Constitution, and create a true egalitarian, multiracial society. As part of this civic national project, Bainimarama has sought to silence those inside the Methodist Church who continue to advocate an ethnocracy and oppose his regime. Bainimarama’s detractors accuse this civic project as little more than cynical populist politics and empty rhetoric; however, he has won subdued support for such a project from many Indo-Fijians and members of the Fijian Catholic hierarchy.

In December 2006, Commodore Bainimarama led a military coup against the Qarase/SDL government, a government which enjoyed the strong endorsement of the Methodist Church of Fiji. The Assistant General Secretary of the Methodist Church promptly condemned the 2006 coup as illegal and unconstitutional, despite having supported previous coups in 1987 and 2000.¹ In a speech in London in April 2010 the Fijian Methodist Reverend Akuila Yabaki admitted that “the church accumulated considerable political power under the Prime Ministerships of Sitiveni Rabuka and Laisenia Qarase” and has “strong ties with the ousted Prime Minister Qarase’s SDL political party.”² Thus, Bainimarama’s conflict with the Methodist Church is political rather than theological and, hitherto, only the Church executive has been targeted for retribution for their activities and disloyalty. Bainimarama has not attempted to prevent Methodist services or other forms of worship. Rather, he has attempted to prevent Methodist gatherings from becoming political forums and sermons straying into politics.

The most significant action Bainimarama has taken against the Fijian Methodist Church is the banning in early 2009 of the Church’s annual conference. Bainimarama has since extended

¹ Newland, L. 2009, ‘Religion and politics: The Christian churches and the 2006 coup in Fiji’ in Fraenkel, J. et al (eds), *The 2006 military takeover in Fiji: a coup to end all coups?* ANU E Press, Canberra, p187 – Attachment 1

² Yabaki, A 2010, ‘Fiji – A year on from the April 2009 Constitutional Crisis’, *Citizens’ Constitutional Forum*, 16 February – Attachment 20

this ban until 2013. In June 2009 the *Australian Broadcasting Corporation (ABC)* reported that Commodore Bainimarama had asked the Fiji Methodist Church to expel former presidents Manasa Lasaro and Tomasi Kanailagi before there can be any prospect of lifting the ban on its annual conference; “[t]he reason given for the refusal to allow the conference to proceed was that ‘political’ subjects would be discussed which could lead to trouble.” According to the *ABC*, the conference, held each August, is the church’s major annual event and raises a high proportion of its operating funds (A\$2 million in 2008).³ This could impact on the church’s ability to provide welfare and other social services to the community.

The *ABC* states that Tomasi Kanailagi, the President of the Fiji Methodist Church at the time of George Speight’s 2000 coup, had “secretly written” to Speight while he was holding the Prime Minister and Cabinet hostage, “hailing what he had done and supporting the ‘cause’ of indigenous Fijian rights.”⁴ Amnesty International reported that in May 2009 Manasa Lasaro was detained by police for two nights “following statements he made denouncing the abrogation of the constitution and the public emergency regulations.”⁵

Other key figures in the Methodist Church and the Great Council of Chiefs have also been targeted by the regime. Amnesty International reported that in July 2009 police arrested Adi Teimumu Kepa, “paramount chief of Rewa and the powerful Burebasaga confederacy... because of a letter that she wrote informing the people of her province (which was to host the Methodist Conference this year) that the annual conference would still take place despite the government’s announcement that it was cancelled.”⁶ It should be noted, however, that not all members of the Methodist congregation and executive, past and present, are Fijian nationalists; indeed, the nationalists are distinguished within the Church by the term *Taukei*. The previously mentioned Akuila Yabaki frequently condemned the politicisation of the Church, while former President of the Fiji Methodist Church, the Reverend Josateki Koroi has written extensively, both condemning the coups of 1987 and 2000 and supporting racial equality.⁷ There are also reports that indicate that at least some Methodist ministers wish to see the *Taukei* leaders, Manasa Lasaro and Tomasi Kanailagi, step down from the Church Administration.⁸

In contrast to the stance of the Methodist Church, the Roman Catholic Church in Fiji has taken the position that “while the coup itself was illegal, the church supported the multicultural views expressed by the military and the interim government.” Indeed, the head of the Catholic Church in Fiji, Archbishop Mataca has been appointed to the role of co-chair of the National Council for Building a Better Fiji (NCBBF), “the body charged by the interim government with developing the People’s Charter for Change and Progress” with the aim of drafting a non-discriminatory list of people’s rights.⁹ Another Catholic priest, Father Kevin Barr co-wrote an article in *The Fiji Times* in late December 2006 arguing that although the coup was illegal and wrong, “the Qarase government was guilty of manipulating democracy

³ Dorney, S. 2009, ‘Fiji Methodists Face Ban’, *Australian Broadcasting Corporation*, 5 June <http://www.abc.net.au/religion/stories/s2590745.htm> – Accessed 14 May 2010 – Attachment 2

⁴ Dorney, S. 2009, ‘Fiji Methodists Face Ban’, *Australian Broadcasting Corporation*, 5 June <http://www.abc.net.au/religion/stories/s2590745.htm> – Accessed 14 May 2010 – Attachment 2

⁵ Amnesty International 2009, *Fiji: Paradise Lost – A Tale of Ongoing Human Rights Violations April – July*, p22 – Attachment 3

⁶ Amnesty International 2009, *Fiji: Paradise Lost – A Tale of Ongoing Human Rights Violations April – July*, p22 – Attachment 3

⁷ Williams, B. 2008, *The Advent of Methodism and the I Taukei: The Methodist Church in Fijian Nation-making*, Master of Arts thesis, La Trobe University. pp.99-100 – Attachment 4

⁸ ‘Departing Methodist officials: Lasaro and Kanailagi to blame for rift with government’ 2010, Coup Four and a Half website, 27 March http://coupfourpointfive.blogspot.com/2010_03_21_archive.html – Accessed 20 May 2010 – Attachment 5

⁹ Newland, L. 2009, ‘Religion and politics: The Christian churches and the 2006 coup in Fiji’ in Fraenkel, J. et al (eds), *The 2006 military takeover in Fiji: a coup to end all coups?* ANU E Press, Canberra, p187 http://epress.anu.edu.au/coup_coup/pdf/ch09.pdf – Accessed 26 March 2010 – Attachment 1

to serve Fijian nationalism.”¹⁰ Father Barr told the *Sydney Morning Herald* in November 2009 that “[a]t the leadership level, the Methodist Church contains an explosive mix of fundamentalist Christianity and ethnic [indigenous Fijian] nationalism”, suggesting that this leadership invited and deserved its treatment by the authorities.¹¹

In order to provide a quasi legal basis for measures taken against the Methodist executive and other vocal critics, Commodore Bainimarama’s ‘Interim Attorney General’ Aiyaz Khaiyum introduced the Public Emergency Regulations (PER) in April 2009, granting powers to the authorities in the name of “maintaining public safety”. Among other things, the PER grants authorities (including the army) the power to prohibit and disperse assemblies, restrict people’s movements, impose curfews, restrict the broadcast or publication of material, as well as powers to search, confiscate and prevent the “manufacture, sale, use, display or possession of any flag, banner, badge, emblem, device, picture, photograph, uniform or distinctive dress”.¹² The latter is presumably to prevent overt displays of ethno-nationalist pride.

Consequently, the PER has become the primary ‘legal’ avenue by which the regime has pursued outspoken members of the Methodist Church hierarchy. On 22 July 2009 four senior members of the Methodist Church were arrested for violating the PER. On 27 July, a further five Methodist Ministers were arrested and charged for “their alleged roles in organizing the annual church conference.”¹³ According to *The Christian Telegraph*, their bail conditions include prohibitions on “travelling abroad, teaching, preaching, leading worship or attending Church meetings.”¹⁴ In February 2010 a further 15 Methodist ministers were charged with alleged breaches of the Public Emergency Regulations.¹⁵ In March 2010 *Radio New Zealand (RNZ)* reported that 25 Fiji Methodist Church ministers and executives have pleaded not guilty to charges of breaching the Public Emergency Regulation in 2009. *RNZ* also reported that despite these arrests and the four year ban on the Methodist Church’s Annual Conference, Commodore Frank Bainimarama told leaders at a meeting with the church that his government “is not against the church”. The meeting “was also attended by the police commissioner, the head of the navy and several other senior military figures.”¹⁶ In July 2009 the Methodist Church condemned the PER in a submission to the United Nations High Commission for Human Rights.¹⁷

2. Are ordinary members of the Methodist Church able to practice their religion without interference?

The regime of Commodore Frank Bainimarama does not have a theological issue with the tenets of Methodism; indeed, Bainimarama and many rank and files soldiers and police were

¹⁰ Newland, L. 2009, ‘Religion and politics: The Christian churches and the 2006 coup in Fiji’ in Fraenkel, J. et al, *The 2006 military takeover in Fiji: a coup to end all coups?* ANU E Press, Canberra, p196

http://epress.anu.edu.au/coup_coup/pdf/ch09.pdf – Accessed 26 March 2010 – Attachment 1

¹¹ McGeough, P. 2009, ‘An unholy alliance of church and state’, *The Sydney Morning Herald*, 29 November <http://www.smh.com.au/world/an-unholy-alliance-of-church-and-state-20091128-jxwu.html> – Accessed 30 November 2009 – Attachment 6

¹² Amnesty International 2009, *Fiji: Paradise Lost – A Tale of Ongoing Human Rights Violations April – July*, pp14-15 – Attachment 3

¹³ Amnesty International 2009, *Fiji: Paradise Lost – A Tale of Ongoing Human Rights Violations April – July*, p22 – Attachment 3

¹⁴ ‘Nine Fijian Methodist Church leaders return to court’ 2009, *The Christian Telegraph*, 28 September <http://www.christiantelegraph.com/issue7080.html> – Accessed 13 May 2010 – Attachment 7

¹⁵ ‘15 ministers charged in fresh PER crackdown’ 2010, Fijilive website, 4 February <http://www.fijilive.com/news/2010/02/04/23393.Fijilive> – Accessed 24 March 2010 – Attachment 8

¹⁶ ‘Fiji Methodist leaders plead not guilty in PER case’ 2010, *Radio New Zealand News International*, 25 March – Accessed 16 April 2010 – Attachment 9

¹⁷ Methodist Church in Fiji 2009, *Methodist Church in Fiji & Rotuma Submission to the UN Universal Periodic Review: Seventh Session of the UPR Working Group 2010*, 15 July – Attachment 10

raised in the Methodist Church. As indicated in the response to question 1, the regime is opposed to all forms of vocal political opposition and seeks to silence criticism; the Public Emergency Regulations (PER) introduced in April 2009 seek to provide a quasi-legal basis to measures employed to silence critics, be they in the media, the SDL party, or members of the Methodist Church.

The US Department of State reported in 2009 that Fiji's "laws and policies contributed to the generally free practice of religion"; however, there were "isolated reports of societal abuses or discrimination based on religious affiliation, belief, or practice."¹⁸ It does not, however, specify whether these isolated cases were Methodists, or indeed Hindus, Sikhs or Muslims.

The US Department of State's findings are consistent with RRT Country Advice's own research; no reports have been located in either the international or Fijian media that indicate that ordinary members of the Methodist congregation are being arrested for breaches of the PER or simply practicing their religion. Only one opinion located suggests otherwise; in correspondence with RRT Country Advice in April 2010, Reverend Jovili, former Fijian Methodist minister and now Chair of the Fiji Conference of the Uniting Church Australia, stated that ordinary church members have been intimidated and humiliated by the army; "[s]ome church members were already (sic) taken to the army camps for questioning and stripped naked, ran around the ground and humiliated. People did not talk about this openly, but in private, they would share some of these frightening stories. Everybody is being watched, especially high profiled (sic) people and ordinary church members who are making small noises against the govt".¹⁹

According to the 1996 census, Methodists comprise 36.3 per cent of the total population and 66.5 per cent of ethnic Fijians.²⁰ Given this substantial proportion of the population, it would not be in the government's interest to alienate people on the grounds of being Methodist alone. Such a policy would not only end the Catholic Church's tacit support for many of the policies of the regime, it would also likely lead to significant divisions within the ranks of the military (many of whom are Methodists). Commodore Frank Bainimarama appears to be reasonably pragmatic, as was indicated when he reigned in the Police Commissioner Esala Teleni's zealous support of the 'Souls to Jesus' (discussed in detail in the response to question 4).²¹

3. Do ordinary members of the Methodist Church in Fiji face any discrimination in access to employment?

A reoccurring theme of the Fijian nationalists is that ethnic Fijians, most of whom are Methodist, are disadvantaged compared to Indo-Fijians and experience discrimination and higher rates of poverty. There is, however, little empirical evidence to support these claims. To correct these apparent circumstances, some Fijian nationalists have called for laws and programmes to help correct the perceived imbalance, not unlike the Bumiputra laws of Malaysia. However, evidence indicates that poverty and unemployment is evenly distributed among the various ethnic (and therefore religious) groups in Fiji, with greater disparities between urban and rural, literate and illiterate. The high rate of illiteracy is the greatest source

¹⁸ US Department of State 2009, *Report on International Religious Freedom – Fiji*, 26 October – Attachment 11

¹⁹ Reverend Jovili Meo, Chair of the Fiji Conference of the Uniting Church Australia 2010, Email to RRT Country Advice, 25 March – Attachment 12

²⁰ Newland, L. 2009, 'Religion and politics: The Christian churches and the 2006 coup in Fiji' in Fraenkel, J. et al (eds), *The 2006 military takeover in Fiji: a coup to end all coups?* ANU E Press, Canberra, p187 http://epress.anu.edu.au/coup_coup_citation.html – Accessed 26 March 2010 – Attachment 1

²¹ McGeough, P. 2009, 'An unholy alliance of church and state', *The Sydney Morning Herald*, 29 November <http://www.smh.com.au/world/an-unholy-alliance-of-church-and-state-20091128-jxwu.html> – Accessed 30 November 2009 – Attachment 6

of disadvantage among ethnic Fijian Methodists, particularly in an economy that has contracted significantly since the coup of 2006.

While Fiji does have the most developed and diverse economy of the southern Pacific islands, it has been performing poorly for many years. This economic pattern has only been exacerbated by the 2006 coup; in the year immediately following the coup the Australian Department of Foreign Affairs (DFAT) reported that the Fijian economy contracted by 6.6 percent.²² A December 2009 country profile of Fiji by AusAID states that since the coup the Fijian economy has been further damaged by a dramatic reduction in investor and business confidence. The economy has meant that the regime's budgetary position has led to "deteriorating physical infrastructure, growing squatter settlements, unproductive farms, and rising unemployment... Already about one third of people in Fiji live below the poverty line, with rural indo-Fijians and women particularly vulnerable."²³ The coup has also led to a significant drop in tourist numbers and consequently large losses in jobs in the tourism industry, a significant employer of ethnic Fijians. In such economic circumstances, new jobs are rare and competition for vacancies is extremely tight.

In the short to medium term economic forecasts indicate that the unemployment situation is unlikely to improve. The Asian Development Bank's (ADB) December 2009 update on the state of the Fijian economy is pessimistic about the prospects of a return to significant growth. The Reserve Bank of the Fiji Islands projected GDP to contract by 0.3% during 2009; however, the ADB estimated a contraction of 1.0%. Furthermore, the ADB predicts only "a modest recovery to 0.5% growth in 2010."²⁴

The Fijian government is unable to help correct this through stimulus spending due to a combination of a decline in tax revenue and a greater burden of debt servicing. In April 2009 the Reserve Bank of Fiji devalued the currency by 20 percent in order to boost exports and attract foreign investment; however, the ADB states that this will significantly increase the burden on the regime to service the external debt, something that will inevitably impact on spending on social programs and infrastructure. The devaluation of the currency has also affected the cost of imported goods, driving up inflation; inflation is expected to reach 13.5% in mid-2010, hurting the poor most acutely.²⁵

The ADB estimates that poverty has increased steadily for both main ethnic groups since the time of the first coups. In 1990 an estimated 25 percent of the population was living in poverty. By 2008 this proportion had risen to 39 percent; in rural areas the ADB suggests that it has reached 43 percent.²⁶

Economic circumstances aside, those most likely to face discrimination in gaining employment or at most risk of losing employment for political reasons are public servants perceived to be critics of the regime. Amnesty International reported that on 30 December 2009 the regime dismissed Magistrates Elsie Hudson, Mary Muir and Eparama Rokoika, suggesting that Mary Muir was dismissed "after criticising FICAC for prosecuting Imrana Jalal's husband on charges which were supposed to be dealt with by the Suva City Council. Chief magistrate Ajmal Khan and magistrate Maika Nakora had been summarily dismissed in July and August 2009 respectively under similar circumstances." In early January 2010 Amnesty International reported that officials from the Prime Minister's office "suspended

²² Department of Foreign Affairs 2009, 'Republic of the Fiji Islands country brief', DFAT website, 31 July http://www.dfat.gov.au/geo/fiji/fiji_brief.html – Accessed 11 May 2010 – Attachment 13

²³ 'Fiji' 2009, AusAID website, 18 December <http://www.ausaid.gov.au/country/country.cfm?CountryId=15> – Accessed 19 May 2010 – Attachment 14

²⁴ Asian Development Bank 2009, 'Fiji Islands: Update', ADB website, 7 December, pp2-3 http://www.adb.org/Documents/Economic_Updates/FIJ/IN230-09.pdf – Accessed 19 May 2010 – Attachment 15

²⁵ Asian Development Bank 2009, 'Fiji Islands: Update', 7 December, pp2-3 – Attachment 15

²⁶ Asian Development Bank 2009, 'Fiji Islands: Update', 7 December, p3 – Attachment 15

indefinitely 20 workers of the Suva City Council (SCC), including some in senior management positions, and seized their office computers.” According to the report, these workers were accused by persons inside the Prime Minister’s office “of being anti-government bloggers.”²⁷

4. Are there any reports of Methodist youth leaders being harmed in Fiji?

There is no information that indicates a pattern of harm or intimidation of Methodist youth leaders in Fiji. However, it is likely that youth leaders seeking to emulate senior Methodist leaders such as Manasa Lasaro and Tomasi Kanailagi by publicly criticising the regime, demonstrating against the regime, or advocating ethnic policies contrary to those of the regime are highly likely to attract the attention of the authorities.

In March 2008 John Ryder, a member of the Provincial Youth Forum, was questioned by military officers over his involvement in a “youth rally” that had been postponed “after the Fiji Police Force said the rally would be a threat to national security.” In an interview with the *Fiji Sun*, Mr Ryder stated that he had been questioned only for one hour and that his “rights have not been violated”. However, further remarks made to the *Fiji Sun* suggest that Mr Ryder had been intimidated by the officers; “[f]or the safety of my family and also for the safety of the organization I currently am in, I will not comment on the issue. The matter has been resolved by the military and there is nothing further to that.”²⁸

Fear of arrest appears to have resulted in Fijian Methodist youth leaders retreating from attempts to enter into the political fray; in its 2009 *Report on International Religious Freedom – Fiji*, the US Department of State states that “[y]ounger Methodist leaders have in recent years moderated the expression of strong ethnic Fijian nationalist sympathies endorsed by the previous church leadership.”²⁹

5. What is the New Methodist Church? When was it founded and what relationship does it have with the mainstream Methodist Church?

The New Methodist Church is an evangelical offshoot of the Methodist Church, inspired by the ministry of the Reverend Moon of South Korea (commonly referred to as the Moonies). The New Methodist Church gained political significance when the newly appointed police commissioner attempted to force the entire police service to embrace and participate in the movement. The church and the behaviour of the Commissioner was tolerated by Frank Bainimarama for a time as he believed it to be a means to undermine the dominance of the Methodist Church (and its troublesome executive) in Fijian society. However, by mid 2009 the antics of the Commissioner had caused Bainimarama and his Attorney-General significant embarrassment, forcing them to crack down on the Commissioner and the founders of the movement.

The New Methodist Church, also known as ‘Souls to Jesus’, was founded by husband and wife Atunaisa and Rajjeli Vualono in 2002. An article in the News Limited owned *Fiji Times* paints Atunaisa (known as Atu) as a former kava drinking troublemaker and subsequent born-again Christian, stating that it was his wife Rajjeli who eventually helped Atu find God. By the mid-1990s Rajjeli and Atu had embraced the Reverend Moon of South Korea after he paid a visit to Fiji. According to the author of the article, the couple felt that the Methodist Church was not evangelical enough and decided to form their own New Methodist Church. The now Pastor Atu Vualono claims that ‘Souls to Jesus’ has over twenty thousand members throughout Fiji and in countries such as Australia, the United Kingdom, Germany, France and

²⁷ Amnesty International 2010, ‘Fiji: Downward spiral continues for human rights following persecution of prominent human rights lawyer’, 19 January – Attachment 16

²⁸ ‘Fiji police question youth rally organizer’ 2008, *BBC Monitoring Asia Pacific*, source: *Fiji Sun*, 10 March – Accessed 9 April 2010 – Attachment 17

²⁹ US Department of State 2009, *Report on International Religious Freedom – Fiji*, 26 October – Attachment 11

Ireland. Of particular interest, the pastor claims that “[i]n Australia, there are churches in Sydney, Griffith, Cairns and Perth as well as small cell groups which meet regularly for praise and worship.”³⁰

While it is hard to confirm the claims of Pastor Atu Vualono concerning the size of his congregation, what is certain is that the New Methodist Church took on a significant political dimension when the Police Commissioner Esala Teleni, a brother of Atu Vualono, embraced the movement and issued an order that all police officers and their families attend evangelistic events and rallies, some of which were held at police stations.³¹ Commissioner Teleni is not a career policeman, but rather a military man appointed by Frank Bainimarama. According to a 2009 *Radio Australia* report, Esala Teleni was attempting to turn the police service into an evangelical force; even the Fiji Police Jazz Band was renamed the Fiji Police Worship Band. It was also reported that off duty police officers were required to attend Christian crusade rallies, during which the officers were required to march and chant the name Jesus, including Hindu and Muslim officers.³² In late 2009 the *Sydney Morning Herald (SMH)* reported that both Teleni and Atu Vualono had become embarrassments to Bainimarama and so both he and the Attorney-General “sat on them”. The *SMH* also reports that “Teleni’s support for Vualaono contributed to a \$F9 million blow-out in last year’s police budget.”³³

The *Sydney Morning Herald* argues that Bainimarama’s initial support for ‘Souls to Jesus’ was a clumsy attempt to “supplant the power of the Methodist Church”.³⁴ This sentiment is echoed by the Methodist Reverend Akuila Yabaki at a speech in London in April 2010. Yabaki also suggests that the attempt to undermine the power of the Methodist Church is also an attempt to undermine the power of the SDL party; as mentioned in the response to question 1, Yabaki has criticised the Church’s “strong ties with the ousted Prime Minister Qarase’s SDL political party.”³⁵

6. Deleted.

7. Deleted.

8. Please provide current information on media and press freedom in Fiji. What restrictions on reporting have been imposed by the military regime?

Fiji has historically enjoyed a relatively robust print media. Since the coup of December 2006 a number of restrictions and regulations have been introduced in order to silence critics and punish recidivist publishers. Furthermore, a number foreign editors and journalists have been deported and international radio transmitters have been closed. While some papers have adopted more compliant, uncritical approaches, there is also evidence that others have attempted to remain independent.

As discussed in the response to question 1, in April 2009 the Public Emergency Regulations (PER) were introduced in Fiji, providing a ‘legal’ basis for the regime of Commodore Frank Bainimarama to impose censorship on various forms of media (and other critics of the

³⁰ Taumoepeau, A. 2009, ‘No easy road up’, *Fiji Times*, 28 June <http://www.fijitimes.com/story.aspx?id=124437> – Accessed 18 May 2010 – Attachment 18

³¹ McGeough, P. 2009, ‘An unholy alliance of church and state’, *The Sydney Morning Herald*, 29 November <http://www.smh.com.au/world/an-unholy-alliance-of-church-and-state-20091128-jxwu.html> – Accessed 30 November 2009 – Attachment 6.

³² Cooney, C., 2009, ‘Fiji’s multi-ethnic police join Christian crusade’, *Radio Australia*, 24 June <http://www.radioaustralianews.net.au/story.htm?id=19005> – Accessed 8 March 2010 – Attachment 19

³³ McGeough, P. 2009, ‘An unholy alliance of church and state’, *The Sydney Morning Herald*, 29 November – Attachment 6

³⁴ McGeough, P. 2009, ‘An unholy alliance of church and state’, *The Sydney Morning Herald*, 29 November 2009 – Attachment 6

³⁵ Yabaki. A 2010, ‘Fiji – A year on from the April 2009 Constitutional Crisis’, Citizens’ Constitutional Forum, 16 February – Attachment 20

regime) in Fiji. More recently, the ‘interim Attorney-General’ Aiyaz Sayed-Khaiyum introduced the Media Industry Development Decree 2010. Aiyaz Sayed-Khaiyum was quoted as stating that the decree “takes the already established rules of professionalism, of media behaviour – or how they should behave – and gives it teeth”. Dr David Robie, associate professor of Communication Studies at the Auckland University of Technology states that the decree includes the creation of a “Singapore-inspired Media Development Authority and an ‘independent’ Media Tribunal into this proposed law along with a radical curb on foreign ownership, wide powers of search and seizure and harsh penalties for media groups and journalists breaching the decree.” Dr Robie states that “the authority and tribunal would be empowered to fine news organisations up to F\$500,000 and to fine individual journalists and editors up to F\$100,000 – or imprison them for up to five years – for violations of vaguely defined codes such as publishing or broadcasting content that is ‘against public order’, ‘against national interest’ or ‘creates communal discord’.”³⁶

Under the Media Industry Development Decree 2010 foreign ownership of Fiji-based media organisations is to be retrospectively restricted to a 10 percent stake and “directorships must only go to Fiji citizens who have been residing in the country for five of the past seven years, and nine of the past 12 months.” Dr David Robie suggests that this is primarily aimed at the News Limited owned *Fiji Times*. Since 2006 two Australian publishers of the *Fiji Times* have been deported and in 2009 the Fijian High Court also imposed a fine of F\$100,000 against the paper “for publishing an online letter criticising the court for upholding the legality of the 2006 coup.”³⁷ *New Matilda* suggests that the *Fiji Times* is being specifically targeted by the new decree because it “is the only one in the country with the resources and editorial strength and depth to challenge the regime.”³⁸

In 2008 the Australian publisher of the *Fiji Sun* was also deported “after his newspaper broke a story on alleged tax evasion by the finance minister.” According to Freedom House, five employees of the *Fiji Broadcasting Corporation* were “forced to appear before senior military officers after the tax evasion claims were aired in March 2009.”³⁹ *New Matilda* suggests that the decree will also hurt the *Fiji Daily Post*, “which is 51 per cent Australian-owned”, and the *Fiji Sun*, despite what the authors describe as its recent “pro-regime” approach.⁴⁰

Sean Dorney, the *ABC*’s Pacific correspondent who was himself deported from Fiji in 2009, has written extensively on the regime’s attempts to silence media criticism. In a May 2009 article in *New Matilda*, Dorney suggests that Fiji now has a “cadre of censors” whose boss is Lieutenant Colonel Neumi Leweni, the Permanent Secretary for Information, Communication and Archives, “who is, thanks to Fiji’s Public Emergency Regulations, effectively the country’s new chief censor.” Dorney demonstrates in his article that it is not just foreign journalists and publishers who are affected by the regime’s censorious rules: Pita Ligaiula, a Fijian journalist with *PacNews*, was ‘interrogated’ for sending stories to *Associated Press*; Edwin Nand, of *Fiji One*, was detained for two nights following an interview he conducted

³⁶ Robie, D. 2010, ‘Fiji censorship by ‘legal camouflage’’, *Café Pacific*, 4 May <http://cafepacific.blogspot.com/2010/05/fiji-censorship-by-legal-camouflage.html> – Accessed 14 May 2010 – Attachment 25

³⁷ Robie, D. 2010, ‘Fiji censorship by ‘legal camouflage’’, *Café Pacific*, 4 May <http://cafepacific.blogspot.com/2010/05/fiji-censorship-by-legal-camouflage.html> – Accessed 14 May 2010 – Attachment 25

³⁸ Moutot, A. & Relinger, M. 2010, ‘Stop Press: Fiji’s New Censorship Laws’, *New Matilda*, 3 May <http://newmatilda.com/2010/05/03/stop-press-fijis-new-censorship-laws> – Accessed 14 May 2010 – Attachment 26

³⁹ Freedom House 2009, *Freedom in the World 2009 – Fiji*, 16 July – Attachment 27

⁴⁰ Moutot, A. & Relinger, M. 2010, ‘Stop Press: Fiji’s New Censorship Laws’, *New Matilda*, 3 May <http://newmatilda.com/2010/05/03/stop-press-fijis-new-censorship-laws> – Accessed 14 May 2010 – Attachment 26

with Dorney on the eve of his deportation. Despite the regulations and arrests, Dorney states that the Fiji media is trying to resist the censorship, particularly the *Fiji Times*.⁴¹

Shaun Dorney was deported in April 2009, together with New Zealand's *3 News* reporter Sia Aston and cameraman Matt Smith. The following day the two *Radio Australia* transmitters were shut down on the orders of the regime.⁴² Due to the regime's decrees, arrests, deportations and transmitter closures, Fiji "fell 73 places in the 2009 Reporters Without Borders press freedom index, and is now ranked 152nd out of 175 countries."⁴³

9. Are local and international NGOs able to operate in Fiji currently? Do they face any restrictions on their activities?

Fiji does allow a number of non-government organisations to operate on its soil, including the Pacific office of the United Nations' Office of the High Commissioner for Human Rights (OHCHR). The OHCHR has remained based in Suva, despite its ongoing concern and criticism of the Bainimarama regime's actions, and most recently compiled a November 2009 report to the UN Human Rights Council.⁴⁴

Major human rights organisations such as Amnesty International and Human Rights Watch continue to monitor the situation in Fiji; however, such monitoring is done with a high degree of discretion; the Fiji Ombudsman's office has been abolished and the Fiji Human Rights Commission has substantially restricted powers following the Human Rights Commission Decree 2009.⁴⁵

Other NGOs such as Save the Children Fund⁴⁶ operate on Fijian soil; however, such NGOs tend to refrain from public political commentary. Indigenous NGOs also continue to operate, many of which were established by various churches. Some of these NGOs operate with the active support from the regime, particularly those not associated with the Methodist dominated Fiji Council of Churches (FCC). One such NGO is the Ecumenical Centre for Research, Education and Advocacy (ECEA), which runs a number of programmes to alleviate poverty by various means, including the encouragement of regional development. On its website, ECEA states that it re-evaluated its relationship with the FCC in 2000. The year 2000 was the year of the George Speight coup, in which Speight attempted to restore many of the racially discriminatory aspects of the 1990 constitution (with the support of the Fijian Methodist leadership). The founder of ECEA, the Reverend Niukula, was reportedly one of the most influential persons in Fiji to push for a review of the 1990 Fiji Constitution, which resulted in the new constitution of July 1997.⁴⁷ As indicated in the response to question 1, a

⁴¹ Dorney, S. 2009, 'Just the Good News, Thanks', *New Matilda*, 18 May

<http://newmatilda.com/2009/05/18/just-good-news-thanks> – Accessed 13 May 2010 – Attachment 28

⁴² Human Rights Watch 2009, 'Human Rights Watch Letter to President Ratu Josefa Iloilo', HRW website, 5 May <http://www.hrw.org/en/news/2009/05/05/human-rights-watch-letter-president-ratu-josefa-iloilo> – Accessed 19 May 2010 – Attachment 29

⁴³ Reporters Sans Frontières 2010, 'Proposed decree establishes legal basis for media censorship and repression', 8 April <http://en.rsf.org/fiji-proposed-decree-establishes-legal-08-04-2010.36960> – Accessed 13 May 2010 – Attachment 30

⁴⁴ UN Human Rights Council 2009, *Compilation Prepared by the Office of the High Commissioner for Human Rights, in accordance with paragraph 15(b) of the Annex to Human Rights Council Resolution 5/1 – Fiji*, 13 November – Attachment 31

⁴⁵ The Fiji Women's Rights Movement, the Fiji Women's Crisis Centre and the Citizen's Constitutional Forum 2009, *Submission to the Human Rights Sub-Committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade Inquiry into International and Regional Human Rights Mechanisms*, Australian Parliament House website, 27 July – Attachment 32

⁴⁶ Save the Children Fund 2009, *The Commercial Sexual Exploitation Of Children In Fiji*, 6 October – Attachment 33

⁴⁷ Ecumenical Centre for Research, Education and Advocacy 2009, 'About Us', ECEA website, 9 November http://www.ecea.org.fj/index.php?option=com_content&task=view&id=13&Itemid=50 – Accessed 19 May 2010 – Attachment 34

number of non-Methodist churches in Fiji support the racially-inclusive message of the Bainimarama regime.

10. Please provide brief information on what role Col Baledrokadroka played in the Fijian Army and what relationship he had with Commodore/PM Frank Bainimarama. What was the nature of their disagreement?

In the twelve months prior to the December 2006 coup, Commodore Bainimarama had made some very public criticisms of the then Prime Minister, Laisenia Qarase, warning that he would intervene if matters weren't resolved. In January 2006 Bainimarama reportedly requested that Colonel Jone Baledrokadroka, the then Commander of Land Forces in the Fijian Army, attend a meeting with him at Queen Elizabeth Barracks. Reports suggest that Baledrokadroka was ordered by Bainimarama to pledge allegiance and agree to side with him in the event of a coup. In a 2006 article in the *Sydney Morning Herald* Baledrokadroka described the order as "treasonous".⁴⁸ Baledrokadroka claims to have resigned in response; however, Bainimarama has stated that he was sacked. In 2007, following the coup, Jone Baledrokadroka was charged with conspiring to kill Bainimarama, charges later dismissed by the Fiji High Court. Jone Baledrokadroka has since sought asylum in Australia.

Sources suggest that the tension between Bainimarama and Baledrokadroka extends back to the George Speight led coup of 19 May 2000 and a mutiny attempt on 2 November 2000 of the same year, when rebel soldiers attempted to depose (and possibly assassinate) Bainimarama, possibly for his role in the arrest of Speight and other coup participants. The mutiny led to the deaths of five rebel soldiers and three soldiers loyal to Bainimarama. The event is indicative of deep divisions within Fiji's armed forces, between the current leadership and those men sympathetic to the nationalist causes of Siteveni Rabuka and George Speight. It is likely that Bainimarama suspects Baledrokadroka of sympathies with Rabuka and Speight, and later believed that he was involved in the 2 November 2000 failed mutiny, as well as the alleged 2007 assassination plot. New Zealand's *Sunday Star-Times* has reported that Baledrokadroka's brother in law is Ratu Inoke Takiveikata, the Qaranivalu (Chief) of Naitasiri who participated in the 2 November 2000 mutiny. Inoke Takiveikata was also accused of being behind the 2007 plot to kill Bainimarama.⁴⁹

Since his resignation Jone Baledrokadroka has made a number of public comments concerning the December 2006 coup, including remarks suggesting that opposition political figures colluded with Bainimarama.⁵⁰ These comments have been interpreted as suggesting that Mahendra Chaudhry, the Fiji Labour Party leader, was among those suspected by Baledrokadroka of coup collusion. Mahendra Chaudhry is the leader of the Fiji Labour Party and former Prime Minister, ousted and held hostage by George Speight during the 2000 coup. In response to Baledrokadroka's allegations of opposition collusion, Chaudhry reportedly remarked that "Baledrokadroka's got his own axe to grind".⁵¹

Jone Baledrokadroka has since claimed asylum in Australia, where he has been made a visiting fellow at the Australian National University (ANU) and has enrolled as a PhD student

⁴⁸ 'Probe launched into Fiji 'loyalty failure'' 2006, *Sydney Morning Herald*, source: AAP, 14 January <http://www.smh.com.au/news/world/probe-launched-into-fiji-loyalty-failure/2006/01/14/1137119003745.html> – Accessed 13 May 2010 – Attachment 35

⁴⁹ Field, M. 2010, 'Judge says Kiwi behind plot to assassinate Bainimarama', *The Press*, 4 March <http://www.stuff.co.nz/the-press/news/3401996/Judge-says-Kiwi-behind-plot-to-assassinate-Bainimarama> – Accessed 19 May 2010 – Attachment 36

⁵⁰ 'Khan's compensation case next year' 2008, *Fiji Live*, 14 November http://www.fijilive.com/news_new/index.php/news/show_news/10586 – Accessed 14 May 2010 – Attachment 38

⁵¹ 'Show proof, Chaudhry tells ex-army officer' 2009, *FijiLive*, 16 February http://www.fijilive.com/news_new/index.php/news/show_news/13657 – Accessed 21 May 2010 – Attachment 37

in politics. According to the ANU website, Baledrokadroka is also a fellow of the Australian Defence College, the Australia Army's Land Warfare Study Centre Canberra, the Asia Pacific Center for Strategic Studies Hawaii and the US Naval postgraduate school Monterey California.⁵²

A number of reports indicate that Jone Baledrokadroka was a former member of the disbanded Counter Revolutionary Warfare (CRW) unit, formed by Colonel Siteveni Rabuka after the 1987 coup to prevent counterrevolutionary forces from toppling the Rabuka regime. Essays and opinion pieces written by Baledrokadroka since seeking asylum in Australia indicate that he is an ethno-Fijian nationalist, albeit self-styled as a moderate, enlightened nationalist. In a contributing chapter to a 2009 publication on the 2006 coup, Baledrokadroka states that "if ethno-nationalism has frequently led to tension and conflict, it has also proved to be a source of cohesion and stability... It is a crucial source of both solidarity and enmity, and, in one form or another, it will remain for many generations to come. One can only profit from facing it directly. Liberal democracy and ethnic homogeneity are not only compatible; they can be complementary. We as a nation will have to learn to live with it along with the intended civic and more liberal nationalism espoused by the draft People's Charter."⁵³

11. Deleted.

12. Does Fiji maintain a watch list and is there any information concerning whether individuals of interest to the Fijian authorities would be prevented from leaving the country?

According to the US Department of State, the Fijian regime "does maintain a list of persons banned from leaving the country, including human rights activists and lawyers. Names on the list were not made public; would-be travellers discovered their inclusion when they were turned back by airport immigration authorities. Some persons prohibited from leaving the country challenged the ban in court in 2007, but the chief registrar terminated their cases under the provisions of the Administration of Justice Decree."⁵⁴ No information has been located on the current number of people on the watch list. In 2007 it was reported in the *Fiji Times* that some 8000 people were then on the watch list.⁵⁵

As mentioned in the response to question 1, a number of members of the Methodist Church executive charged with violations of the Public Emergency Regulations have been ordered not to leave the country; however, this is a standard order of bail conditions in judicial systems throughout the world.⁵⁶ No other information on travel bans has been located; however, sources have been found that indicated that persons on watch lists are also being prevented from entering Fiji, despite being in possession of valid visas.⁵⁷

13. Please provide information on the treatment of failed asylum seekers.

Little information has been located on the treatment of failed asylum seekers upon return to Fiji. In March 2010 the US Department of State reported that the Bainimarama government "provided nominal cooperation with the Office of the UN High Commissioner for Refugees

⁵² 'Brisbane Update: Fiji Update 2009' 2009, Pacific Economic Bulletin, ANU website, 14 August <http://peb.anu.edu.au/updates/fiji/2009/?u=Brisbane> – Accessed 19 May 2010 – Attachment 39

⁵³ Baledrokadroka, J. 2009, 'Chapter 28: Fijian Ethno-Nationalism', in Fraenkel, J. et al (eds), *The 2006 Military Takeover in Fiji: A Coup to End All Coups?*, ANU E Press – Attachment 40

⁵⁴ US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Fiji*, 11 March – Attachment 42

⁵⁵ '8000 people on watch list' 2007, *Fiji Times*, 5 October <http://www.fijitimes.com/story.aspx?id=71789> – Accessed 23 January 2008 – Attachment 45

⁵⁶ 'Nine Fijian Methodist Church leaders return to court' 2009, *The Christian Telegraph*, 28 September <http://www.christiantelegraph.com/issue7080.html> – Accessed 13 May 2010 – Attachment 7

⁵⁷ Hill, B. 2010, 'Fiji deports expelled academic's wife', *Radio Australia*, 12 January <http://www.radioaustralianews.net.au/stories/201001/2790869.htm> – Accessed 19 May 2010 – Attachment 43

and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.”⁵⁸ The UN Human Rights Council reported in November 2009 that “Fiji respects the principle of nonrefoulement, and works closely with UNHCR to fulfil its obligations, but indicated it would benefit from further capacity building, training and clear standard operating procedures.”⁵⁹

14. Is there any information concerning whether the Fijian authorities take any interest in the activities of Fijians outside the country, especially any political activity engaged in by Fijians abroad. Would they be the subject of particular interest or treated differently upon return?

No information has been located that indicates that the military regime of Commodore Frank Bainimarama is able to effectively monitor the political activities of Fijians abroad. In 2008 Fiji did ‘revive’ the National Security Council (NSC) and the Fiji Intelligence Services (FIS). According to the *Fiji Times*, “[t]he NSC was established in 1990 to protect Fiji from espionage, sabotage, sedition, foreign intervention and terrorism”.⁶⁰ It is doubtful that the NSC or the FIS have the resources necessary to monitor the activities of all or even many of its citizens abroad without the assistance of pro-regime expatriates. No information has been located that indicates that pro-Bainimarama Fijian expatriates in Australia or elsewhere monitor the activities of anti-regime activists and pass on this information to the regime. What does appear likely is that Fiji’s military censors monitor reports on Fiji in the international media and take note of critical remarks made by local and overseas critics of the regime; “[o]n 22 May, Tale Tora, one of the military’s censors, contacted Peter Waqavonovono and warned him not to speak to the overseas media as the military were monitoring all overseas media interviews with Fijians.”⁶¹

Attachments

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