

Refugee Review Tribunal

AUSTRALIA

RRT RESEARCH RESPONSE

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Questions

1. Current state of the judiciary/police force following the coup.

RESPONSE

1. Current state of the judiciary/police force following the coup.

There are reports that the Military has detained and abused people:

Non-government organisations have voiced their disappointment at recent allegations of people being detained and abused by the military.

In a statement yesterday, NGO Coalition on Human Rights chairperson Virisila Buadromo said despite the reassurances by the interim Government to the international community, human rights abuses continued.

The coalition called for an immediate end to human rights violations.

"The coalition is disappointed that the interim Government continues to insist that human rights are still intact, despite the recent well-publicised cases of gross human rights violations, said Ms Buadromo.

"The interim Government says citizens' rights are "intact", but the front page of the daily newspapers lists gross violations, such as cruel and degrading treatment under military detention."

She said if the interim regime believed certain people were a threat to national security, those people should be interrogated by the police.

The group was reacting to the recent detention of businessman Ulaiasi Taoi and his claims of being beaten up by soldiers while detained at the military camp ('Stop army detentions, abuse: NGOs' 2007, *Fiji Times*, 17 May, <http://www.fijitimes.com/story.aspx?id=62765> – Accessed 17 May 2007. CISNET Fiji CX177412 – Attachment 1).

The business person in question elaborated the claims:

The Fiji Human Rights Commission has received a complaint from businessman Ulaiasi Taoi of human rights abuse by soldiers.

The commission's director Doctor Shaista Shameem confirmed this yesterday.

Mr Taoi was taken up to the military camp in Nabua at the weekend over allegations of his involvement in anti-military internet blogspots.

He was detained at the camp for 24 hours during which he alleges he was beaten and subjected to psychological torture.

Ousted State minister Losena Salabula was also taken in for questioning by the army.

Ms Salabula claimed she was told to convey a warning to ousted Prime Minister Laisenia Qarase and the paramount chief of the Burebasaga confederacy Ro Teimumu Kepa to stop making public statements against the military and interim Government. ('Body receives abuse report' 2007, *Fiji Times*, 18 May, <http://www.fijitimes.com/story.aspx?id=62828> - Accessed 18 May 2007. CISNET Fiji CX177509 – Attachment 2).

There are reports of the Police and DPP being bypassed by other government agencies:

Fiji's acting Police Commissioner Romanu Tikotikoca will meet the head of The Fiji Independent Commission Against Corruption following concerns about FICAC's role in a recent case involving murder.

...

FICAC's chief investigating officer, Senior Superintendent Nasir Ali earlier said there is nothing wrong with FICAC being involved in such cases even though their primary aim is to investigate corruption.

FICAC has also revealed that the Police and DPP will not be involved in the investigation. ('Police concerned about FICAC role' 2007, *Fijilive* website, 5 June, <http://www.fijilive.com/news/show/news/2007/06/05/Fijilive01.html> - Accessed 19 June 2007. CISNET Fiji CX179362 – Attachment 3).

The State of Emergency was lifted in June 2007:

Fiji's state of emergency, imposed following a coup in December 2006, was lifted on Friday, but the country's coup leader and now prime minister warned Fijians that anyone causing public alarm would be arrested.

...

But Bainimarama, who is also the country's military chief, warned Fijians against creating any public unrest.

"Such persons shall be liable to be investigated, arrested and charged by the Fiji Police Force," he said. ('Fiji lifts emergency imposed after December coup' 2007, *Reuters*, 21 June, <http://www.alertnet.org/thenews/newsdesk/SYD273137.htm> - Accessed 21 June 2007. CISNET Fiji CX179634 – Attachment 4).

There have also been judicial decisions that the military government has disagreed with:

Interim Prime Minister Commodore Voreqe Bainimarama last night accused the president of the Fiji Court of Appeal, Justice Gordon Ward, of deliberately moving Ratu Inoke Takiveikata's case forward before his contract expired. The Qaranivalu [Takiveikata's chiefly title] was set free on appeal yesterday after previously being given a life sentence for incitement to mutiny.

"It seems the decision today was not surprising because Justice Ward presided over the case. Justice Ward was part of Graham Leung's group that went to Hong Kong to speak against the interim administration," said Cdre Bainimarama.

"Obviously we were expecting something like this. His case was supposed to be heard next month but it was moved earlier so he could hear the matter before his term ended."

...

The FCA [Fiji Court of Appeal] quashed the convictions of paramount chief of Naitasiri, Ratu Inoke, after deeming that trial judge Justice Anthony Gates had prejudged the case, five months before the trial began.

The Turaga na Qaranivalu was escorted back to Nasinu prison to sign his release papers after Justice Ward, ruled there was possibility that the trial judge was not impartial when finding him guilty of the 2 November 2000 bloodshed at the military headquarters in Nabua. ('Fiji PM queries judge's role in ordering fresh trial for chief' 2007, *Fiji Sun*, 26 June, www.bbcmonitoringonline.com – Accessed 27 June 2007. CISNET Fiji CX179980 – Attachment 5).

A former Vice-President of Fiji claimed that the military had undermined the role of the police in upholding the law:

The military commander Commodore Voreqe Bainimarama and his close advisers saw the military as the ultimate guarantor of the peace as echoed in their public statements and private discussions, says ousted Vice-President Ratu Joni Madraiwiwi.

Speaking last week at the workshop on the Fiji Coup six months on, organised by the Australian National University Ratu Joni said with the military arrogating for itself the role of guardian and protector, the Police Force had increasingly demoralised.

He said the reformed and rebuilding of morale implemented by former Police Commissioner Andrew Hughes had dissipated gradually since his departure last year.

"The military has blurred the boundaries between policing and security roles at the cost of police independence and autonomy," Ratu Joni said.

...

"There has been a real undermining of the rule of law by the military's acts and while crime has not diminished, it has simply relocated elsewhere."

Ratu Joni said breaches in human rights had been on a wide scale culminating in the deaths of Nimilote Verebasaga, 41, and Sakiusa Rabaka, 19. ('Ratu Joni: Coup weakened law' 2007, *Fiji Times*, 10 June, <http://www.fijitimes.com/story.aspx?id=64291> – Accessed 19 June 2007. CISNET Fiji CX179363 – Attachment 6).

And there are reports of lawyers seeking assurance of safety from the government before proceeding with cases:

Lawyers for deposed Prime Minister Laisenia Qarase have sought assurances for their safety from the interim administration during the litigation challenging the 2006 military coup, the High Court in Suva heard today.

Lawyer Tevita Fa, representing Qarase and senior members of his deposed Government, told the presiding judge acting Chief Justice Anthony Gates that their legal team is to be headed by a "senior Australian Queens Counsel".

He said they needed security assurances first. ('Give us protection, lawyers ask court' 2007, Fijilive website, 1 May, <http://www.fijilive.com/news/show/news/2007/05/01/05fijilive06.html> - Accessed 1 May 2007. CISNET Fiji CX176370 – Attachment 7).

List of Sources Consulted

Databases:

FACTIVA (news database)

CISNET (Department of Immigration Country Information database)

ISYS (RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State Reports)

List of Attachments

1. 'Stop army detentions, abuse: NGOs' 2007, *Fiji Times*, 17 May, <http://www.fijitimes.com/story.aspx?id=62765> – Accessed 17 May 2007. (CISNET Fiji CX177412)
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4. 'Fiji lifts emergency imposed after December coup' 2007, *Reuters*, 21 June, <http://www.alertnet.org/thenews/newsdesk/SYD273137.htm> - Accessed 21 June 2007. (CISNET Fiji CX179634)
5. 'Fiji PM queries judge's role in ordering fresh trial for chief' 2007, *Fiji Sun*, 26 June, www.bbcmonitoringonline.com – Accessed 27 June 2007. (CISNET Fiji CX179980)
6. 'Ratu Joni: Coup weakened law' 2007, *Fiji Times*, 10 June, <http://www.fijitimes.com/story.aspx?id=64291> – Accessed 19 June 2007. (CISNET Fiji CX179363)
7. 'Give us protection, lawyers ask court' 2007, Fijilive website, 1 May, <http://www.fijilive.com/news/show/news/2007/05/01/05fijilive06.html> - Accessed 1 May 2007. (CISNET Fiji CX176370)