

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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Questions

- 1. What is the current situation in Fiji with regard to freedom of expression and particularly with regard to those who criticise the military government?**
- 2. Deleted.**
- 3. Are there any reports of people being banned from leaving Fiji because of their political opinions?**
- 4. Please provide any information on corruption in the Fijian sugar industry and efforts made to investigate such corruption.**
- 5. Have there been any reports of people being targeted or harmed for seeking to expose corruption in Fiji?**
- 6. To what extent do the authorities provide protection to those who are victims of crime?**

RESPONSE

- 1. What is the current situation in Fiji with regard to freedom of expression and particularly with regard to those who criticise the military government?**

In its report released in March, 2007, the US Department of State reported that in the period immediately following the coup that there were “numerous incidents of the Republic of Fiji Military Forces (FRMF) detaining without a warrant and abusing persons who had voiced opposition to the coup or who supported a return to democratic government.” Similarly the interim government “took no action against military personnel alleged to have committed abuses against coup opponents and prodemocracy activists.” (US Department of State 2007, *Country Reports on Human Rights Practices for 2006 – Fiji*, 6 March, Section 1 – Attachment 1)

A report prepared by DFAT provides a detailed summary of events in the initial post-coup period (to 8th February 2007) in which it is stated that

The Fiji military has been quick to target anyone who has spoken out against the military takeover and/or the formation of the interim Government. While none of the alleged abuses have been subject to court proceedings, we believe that most of the allegations are true (and a number of them have been admitted by the military). Many of those detained by the military have been subjected to physical and mental intimidation and humiliation, including assaults and beatings; verbal abuse and threats; guns pointed at victims; and guns fired near blindfolded victims. Few people opposed to the military or the interim Government are now willing to speak out in public. (“Fiji: Coup related harassment, threats, and human rights abuses” 2007, Country Information Report 2007 07/15, 13 February – Attachment 2)

In an academic assessment also published within three months of the coup, limited resistance to the takeover is partly attributed to recollections of suppression experienced in some areas following the coup in 2000. After a number of well-publicised incidents when dissidents were taken to the RFMF Queen Elizabeth barracks and reportedly beaten, threatened and forced to march for several miles, even resistance by civil society activists is seen to have declined:

Local music celebrity, *Vude* Queen Laisa Vulakoro was among the many protesters taken up to the camp after she penned critical letters comparing the commander to Idi Amin. One by one, the critics were effectively silenced, usually after a single visit to the camps. Fiji Human Rights Commission Director Shaista Shameem said many of the protesters were ‘not genuine pro-democracy activists’, prompting fellow commissioner, Shameema Ali, to denounce the Director and suggest that the organization had lost credibility. Many NGOs remained silent, or, as in the case of the local branch of Transparency International, expressed their support for the military’s anti-corruption objectives. Those that resisted were isolated, largely because of the muted grassroots Fijian reaction. (Fraenkel, Jon 2007, “The Fiji coup of December 2006: who, what, where and why?” in Fraenkel, J. and Firth, S. (eds), *From Election to Coup in Fiji. The 2006 campaign and its aftermath*, ANU E Press and Asia Pacific Press, 2007, p. 434 http://epress.anu.edu.au/fiji/pdf_instructions.html - Accessed 23 January 2008 – Attachment 3

A search of a number of news sources appears to show a decline in the number of reports of resistance and open public criticism of the interim government as months since the coup elapsed. A number of previous Research Responses completed in 2007 have provided progressive updates of developments during the course of the year, as well as information concerning political rights and freedom of expression. In particular, RR FJI31224 of 31st January 2007 includes information in Question 2 on arbitrary detention and physical abuse of opponents by the army (RRT Country Research 2007, *Research Response FJI31224*, 31 January - Attachment 4). Additional information in Question 1 of Research Response FJI32624 of 21st November 2007 is also noteworthy and an assessment by ANU historian which was published in the *Fiji Times* on 11th August included the following observations:

The extreme touchiness of the interim administration and the military to any criticism of its action is evident. It instills fear and fosters self-censorship in the populace. To be issued death threats for calling for the resignation of a minister from government says a great deal about the state of affairs in Fiji today (Lal, Brij 2007, ‘Fiji: Like a duck treading water’, *Fiji Times*, 11 August <http://www.fijitimes.com/story.aspx?id=68300> – Accessed 2 November 2007 – Attachment 25).

Research Response FJI32574 provides additional information and reports concerning attempts by the military to control the media, and the treatment of critics of the regime (RRT Country Research 2007, *Research Response FJI32574*, 6 November – Attachment 5).

Just prior to the lifting of the Public Emergency Regulation in October, Impunity Watch reported that

While the lifting of the PER will ease governmental control of the day to day life of the Fijian population, there is reason to believe that certain organizations will continue to be subjected to particular scrutiny by the interim government. Since the PER was first instituted on 06 September, the interim government has said on several occasions that a primary impetus for reinstating the PER was to restrain deposed PM Laisenia Qarase...In the last week the interim government and the military have reaffirmed their stance that while the PER is going to be lifted certain political organizations should be mindful of what they say, so as not create negativity.

(“Freedom of speech concerns persist in Fiji despite PER lifting” 2007, Impunity Watch website, 4 October http://www.impunitywatch.net/impunity_watch_oceania/2007/10/even-with-lifti.html - Accessed 25 January 2008 – Attachment 6)

2. [Text removed]

3. Are there any reports of people being banned from leaving Fiji because of their political opinions?

The interim government maintains a travel-ban and watch list. In a statement made in October 2007 by Immigration Director Commander Viliame Naupoto, he claimed that approximately 8,000 names were on the Department’s watch list, which was described as “an alert system at border level and every country had one. ‘It triggers alert for someone who is not allowed to travel for various reasons. It could be an outstanding court case, or taxes owed to FIRCA, or even lost or stolen passport tissues,’ Mr Naupoto said” (“8000 people on watch list” 2007, *Fiji Times*, 5 October <http://www.fijitimes.com/story.aspx?id=71789> – Accessed 23 January 2008 – Attachment 7).

In an earlier extended interview he stated that there were 90 people added to the list who were prevented from travelling since the coup, but they “were later removed and the number dropped to 30.” Individuals were able to pay a search fee of \$12 and names were “taken on and off so people need to keep checking as this is a border management tool”. Although the role of the Department in respect of the list was essentially to enter names on the list and police it as required, the Director was unambiguous in his view that where there seemed to be a connection between criticism of the interim regime and inclusion on the watch list, then the choice between the freedom to travel and the freedom of speech was obvious, particularly in the instance of Ms Laisa Digitaki, a ‘businesswoman and pre-democracy activist’:

Times: It seems only those that have their names on the watch list have spoken against the interim regime at some stage. Is this a pay back for speaking out?

Mr Naupoto: I agree if you look at the trend it seems that way. All I can say is if people value their travel then perhaps they shouldn't speak out against the authority.

Times: Even if they feel the authority is doing something that should not be condoned?

Mr Naupoto: They are the authority and that is a point that should be clear. The authority is in control and if you want to fight it than you must expect being banned.

Times: Where does the freedom of speech come in?

Mr Naupoto: That question should be directed to the authorities. In military thinking if I fight the authorities and it fights back then I should not cry unfair.

Times: Are you saying then that making public statements is fighting the authorities?

Mr Naupoto: If the statements are detrimental to the authority's cause then I guess it could be considered fighting authority. ("FIJI: Making the watch list" 2007, *Fiji Times*, 21 July – Attachment 8)

Other prominent figures who have been critical of the coup or the regime have also been prevented from travelling, including, in July 2007, lawyer Graham Leung and the head of the Fiji Women's Crisis Centre and Human Rights Commissioner Shamima Ali;

On Monday 16 July 2007 Commissioner Shamima Ali of the Fiji Human Rights Commission and head of the Fiji Women's Crisis Centre was prevented from leaving the country. The instruction to prevent Ali from leaving was sent to the airport at about 7.30pm last night. The instruction came apparently from Pramesh Chand, military appointed CEO in the PM's Office. Ali was leaving for Townsville to attend the Townsville International Feminist Women's Conference where she was to present a paper on women's issues. Ali has taken a strong stand against the military supported government and has spoken out against the actions of the Director of the Fiji Human Rights Commission, Shaista Shameem who has openly supported the military coup and military government. Shaista has been appointed as Ombudsman by the military authorities which makes her Chair of the Fiji Human Rights Commission as well. She believes that this is an act of intimidation designed to stop her from being critical of the Bainimarama military regime. The price of free speech is the loss of freedom of movement.

On Legend FM on 17 July 2007 on the 7am news Commodore Bainimarama said on the travel ban imposed on prominent lawyer and outspoken critic of the military government, Graham Everett Leung that, Leung could "go to court if he wanted or he could stowaway...but he is not going anywhere". Bainimarama questioned why lawyers were defending their own rights but not the rights of those banned from going to Australia and NZ like members of the interim regime.

...

The military regime continues to maintain that the Constitution and the Bill of Rights is still in existence and that all rights and freedoms, including free speech and free movement are guaranteed. ("Shamima Ali stopped from leaving Fiji" 2007, Fiji Women's Crisis Centre website, 17 July <http://www.fijiwomen.com/index.php?id=75752> - Accessed 23 January 2008 – Attachment 9)

In the same month, the former head of Fiji Broadcasting, Frank Herman, was also prevented from leaving the country to attend a conference in Australia ("Former media boss prevented from leaving Fiji" 2007, *ABC News*, 5 July <http://www.abc.net.au/news/stories/2007/07/05/1970880.htm> - Accessed 23 January 2008 – Attachment 10). The *Fiji Times* reported that bans placed on Ms Ali and Mr Leung were lifted on 19th July. Subsequently they both took legal action to prevent similar action being taken against them again. In Ms Ali's action initial mention of the case against the interim

Prime Minister was made in December and adjourned until 8th February (“Travel ban case adjourned” 2007, *Fiji Times*, 15 December – Attachment 11).

4. Please provide any information on corruption in the Fijian sugar industry and efforts made to investigate such corruption.

5. Have there been any reports of people being targeted or harmed for seeking to expose corruption in Fiji?

A number of superficial references to corruption in the sugar industry in Fiji have been located, but most reports and analyses focus on the long-standing structural inefficiencies and problems faced by the industry, which are of no small significance given the strong role that the industry has played in Fiji’s economy from colonial times.

In one article, the Fiji Sugar Corporation (FSC) is accused of having failed to improve inefficiency and to provide leadership to the industry, spending large sums of money to little visible effect in increasing milling output:

In the last two decades the FSC invested about \$300 million in mill upgrading, averaging to about \$20 million a year. But there is no evidence of any marked improvement in the milling capacity. At the Lautoka Mill, for example, only recently \$10 million was spent on a new mill to improve efficiency; however, the crushing capacity of the new mill, at 30,000 tonnes per week, is 15,000 tonnes per week lower than the capacity of the older mill. This has resulted in long delays in milling as well as large stand-over cane. In addition, at the start of the 2003 crushing season, the FSC announced that it had spent another \$6m in mill maintenance at Lautoka. But within the first week of crushing, the mill broke down. Allegations of corruption and management in the FSC have surfaced quite often. However, to date, there has been no systematic independent investigation of the allegations. Bad governance is a high ranking probability contributing to the financial crisis within the industry. So far, however, this matter has not been addressed by the authorities. (Narayan, Paresh K. & Prasaid, Biman C. 2003, “Fiji’s Sugar, Tourism and Garment Industries: A Survey of Performance, Problems and Potentials”, *Fijian Studies*, Vol. 1, No. 1, pp. 18-19 http://www.fijianstudies.org/fs_contents_vollno1.htm - Accessed 15 January 2008 – Attachment 12)

Prior to the 2006 coup, plans for re-structure of the industry had been developed, but these were subsequently shelved. Since that time there have been further developments. The RFMF head announced shortly after the coup that the revitalisation of the industry was needed and in a press release by Commodore Bainimarama he acknowledged that there were major problems and that there had been “gross incompetence, mismanagement and manipulation”. He then announced that a new board was to be appointed, and the head and all of the Sugar Cane Growers Council members were suspended, pending investigation;

The existing Board of the Fiji Sugar Corporation is directed to desist from taking or implementing any policy decisions until a new board which I intend appointing soon, replaces the current Qarase-appointed Board. It must also shelve, for the time being, plans to appoint a new CEO which should be left to the new board.

There are serious concerns coming from the farming community regarding the operations of the Sugar Cane Growers Council, and the manner in which the Council is being manipulated to serve certain political and personal agendas.

In view of this, I hereby:

Revoke the appointments of the 8 councillors nominated by the previous SDL government. The affairs of the Council should be run by the elected representatives of the growers without any interference or influence by the government.

The current chairman and CEO of the Growers Council are forthwith suspended, without pay and privileges, pending full investigations into allegations of abuse of office, misuse of funds and irregularities in the election of the Board of Directors.

I direct the Secretary of the Council to immediately convene a special meeting of the Council, with 38 elected councilors only, to elect a new board of directors and appoint an acting CEO.

A full investigation will also be conducted into allegations that \$80,000 of Growers' funds were used, without proper approval by board members who went on a recent trip to India.

As part of my clean up campaign, I must make it very clear that people who manipulate the sugar industry, or any other public office, for personal gains, will not be tolerated. ("Commander RFMF's Press Statement" 2006, Fiji Government Website, 27 December http://www.fiji.gov.fj/publish/page_8127.shtml - Accessed 18 January 2008 – Attachment 13)

Numerous analyses of the industry's problems have been undertaken. The last Fiji Strategic Development Plan endorsed at the September 2006 National Economic Summit contained analyses and targets for the sugar industry ("Strategic Development Plan" 2006, Fiji Ministry of Finance and National Planning website <http://www.mfnp.gov.fj/> - Accessed 25 January 2008). A useful summary of some of the general problems facing the industry as well as the impact of the staged withdrawal of European Union preferential treatment is available in Chand, Satish 2004, "Sweet land or Sweat land: Two proposals for facilitating access to land and adjustment to eroding EU sugar preferences in Fiji" ANU Asia Pacific School of Economics and Government, 8 November <http://www.crawford.anu.edu.au/publish/results.php?methode=KEYWORD&search=> - Accessed 18 January 2008 – Attachment 14 and Reddy, Mahendra 2006, "Productivity and Efficiency Analysis of Fiji's Sugar Industry", University of the South Pacific School of Economics Working Paper, August <http://www.usp.ac.fj/index.php?id=5609> – Accessed 18 January 2008 – Attachment 15.

In response to the coup, the European Union imposed conditions on continuing assistance to Fiji generally, including support under special arrangements for sugar ("Council Decision of 1 October 2007 on the conclusion of consultations with the Republic of the Fiji Islands under Article 96 of the ACP-EC Partnership Agreement and Article 37 of the Development Cooperation Instrument" 2007, *Official Journal of the European Union*, 5 October <http://eur-lex.europa.eu/JOHtml.do?uri=OJ:L:2007:260:SOM:EN:HTML> – Accessed 21 January 2008 – Attachment 16)

Corruption has been used as a mantra both before and after the coup by those within and those outside the government. In addition to the possible areas of misconduct or corrupt practice mentioned above, the Minister responsible for sugar in the interim government, Mahendra Chaudhry also remained as secretary-general of the National Farmers Union. Transparency International argued this to be a conflict of interest, as was the FSC's Chairman retaining a position as the chief executive of the South Pacific Fertiliser Company "in which FSC holds 40% equity. SPF is also the sole supplier of fertilizers to cane farmers throughout Fiji." The claims were denied by both individuals. ("Chaudhry under attack" 2007, *Fiji*

Times, 31 August <http://www.fjtimes.com/story.aspx?id=69567> – Accessed 14 January 2008 – Attachment 17).

One other instance of specific irregularity was identified when in 2001 a farming assistance scheme providing grants of \$10,000 to ethnic Fijian farmers was seen to have failed:

While the grants were aimed at enabling the new farmers to purchase farm implements, at least half of the grant was extended as cash, which was mostly used for consumption purposes. In addition, there was no proper training scheme that could teach the new farmers the skills of cane farming. The scheme failed to meet its target for these reasons, as well as, seemingly due to corruption and widespread misuse of the funds. (Reddy, Mahendra 2006, “Productivity and Efficiency Analysis of Fiji’s Sugar Industry” University of the South Pacific School of Economics Working Paper, August, p. 3 <http://www.usp.ac.fj/index.php?id=5609> – Accessed 18 January 2008 – Attachment 15)

The interim government established the Fiji Independent Commission Against Corruption (FICAC) along with the Prevention of Bribery Promulgations. According to a government press release of 2nd March 2007, the Commission was said to be modelled on the Corruption Commission in Hong Kong. The aims of the Commission were summarised in the government press release announcing its gazetting in April of 2007:

The Commissioner’s duties through the Deputy Commissioner and/or through his officers will be to;

- receive and consider complaints alleging corrupt practices and investigate such of those complaints as he considers practicable;
- investigate any alleged or suspected offence under this Promulgation; any alleged or suspected offence under the Prevention of Bribery Promulgation; any alleged or suspected offence of corrupt or illegal conduct pertaining to any election; any alleged or suspected offence of blackmail committed by a prescribed officer by or through the misuse of his office, any alleged or suspected conspiracy to commit an offence under the Prevention of Bribery Promulgation; any alleged or suspected conspiracy to commit an offence or corrupt or illegal conduct pertaining to any election; and any alleged or suspected conspiracy (by 2 or more persons including a prescribed officer) to commit an offence of blackmail by or through the misuse of the office of that prescribed officer;
- investigate any conduct of a prescribed officer which, in the opinion of the Commissioner is connected with or conducive to corrupt practices and to report thereon to the President;
- examine the practices and procedures of Government departments and public bodies, in order to facilitate the discovery of corrupt practices and to secure the revision of methods of work or procedures which, in the opinion of the Commissioner, may be conducive to corrupt practices;
- instruct, advise and assist any person, on the latter’s request on ways in corrupt practices may be eliminated by such person;
- advise heads of Government departments or of public bodies of changes in practices or procedures compatible with the effective discharge of the duties of such departments or public bodies which the Commissioner thinks necessary to reduce the likelihood of the occurrence of corrupt practices;

- educate the public against the evils of corruption and enlist and foster public support in combating corruption. (“Independent corruption commission gazetted” 2007, Fiji Government website, 19 April http://www.fiji.gov.fj/publish/page_8776.shtml - Accessed 18 January 2008 – Attachment 18)

As more than one commentator asked, were the allegations of corruption against the previous government sufficient to justify the December 2006 coup? There was certainly no shortage of evidence that corruption existed in government and elsewhere and reports by Auditor-General and others were plentiful:

In one sense, corruption under the deposed government was well known; especially in the government tendering process, in the immigration department, in the Native Land Trust Board, in the affirmative action programs and at the interface between foreign investors and government...The Public Accounts Commission, when it had functioned, had also documented incidents of gross mismanagement of public funds, although it had a poor record of initiating prosecutions. The courts had heard evidence of significant abuses of public office under the Ministry of Agricultural Assistance Scheme...The democratic process had been far from perfect in encouraging enquiries, or securing convictions against public officials for corruption. The Qarase government had failed to pass pressing anti-corruption legislation, but it was far from clear that a coup could rectify those weaknesses...Unleashing an accusatory culture, and putting judgement into the hands of those who were not experts, also elevated the position of those with axes to grind on the mill of the clean-up campaign. (Fraenkel, Jon 2007, “The Fiji coup of December 2006: who, what, where and why?” in Fraenkel, J. and Firth, S. (eds), *From Election to Coup in Fiji. The 2006 campaign and its aftermath*, ANU E Press and Asia Pacific Press, 2007, p. 430 http://epress.anu.edu.au/fiji/pdf_instructions.html - Attachment 3)

In August, the Prime Minister endorsed the efforts made by FICAC to date, which he said would have a responsibility for improving good governance and ‘institutional strengthening of government departments’:

“In addition to FICAC, Government has also put in place the Prevention of Bribery Promulgation 2007 which has created new offences in respect of bribery and white collar crime in general.

“We are keen to ensure that Government departments and officials provide services to members of the public in an ethical and non-corrupt manner. Abuses in the public tendering processes and public services administration are also being addressed.”

Prime Minister Bainimarama said it is Government’s firm belief that by weeding out abuse and corruption, they will be able to create a more level playing field for investors, consequently contributing in a significant way to Fiji’s attractiveness as an ideal destination for private investment.

“We are also committed to speeding the pace of reforms covering finance management, public enterprises and civil service,” he said.

“We have already begun with some reforms in the public service which are strongly being resisted by public sector unions, even leading up to strike action over the past couple of weeks.”

He said Government, however, is determined to forge ahead with the measures it is implementing to contain the operating expenses for the public service, stabilise Government finances and overall set the country on the path to sustained economic recovery. (“Combating

corruption government priority – PM” 2007, Fiji Government Press Release, 7 August
http://www.fiji.gov.fj/publish/page_9720.shtml - Accessed 18 January 2008 – Attachment 19)

6. To what extent do the authorities provide protection to those who are victims of crime?

In the initial post-coup period, the military took over a number of functions normally performed by the Fiji police and this was seen variously as an improvement in the quality of general policing or a threat to the normal rule of law.

As reported in Research Response FJI32624,

DFAT has indicated that since the December 2006 coup the political situation remains unresolved and there has been a deterioration in the rule of law. On a number of occasions the military has intervened or launched investigations in areas normally the preserve of the police. This has undermined protections ordinarily afforded by the rule of law. Police vehicle checkpoints remain in some major urban areas. There have been many instances of intimidation of individuals and detention for questioning by the Republic of Fiji Military Forces (RFMF) (DFAT 2007, *Travel Advice – Fiji*, 7 October (current for 15 November 2007) <http://www.smartraveller.gov.au/zw-cgi/view/Advice/Fiji> – Accessed 15 November 2007 – Attachment 5) (RRT Research & Information 2007, *Research Response FJI32624*, 21 November – Attachment 20).

In more recent travel advice DFAT states that the “incidence of intimidation and interrogation of civilians by the military has declined since the early days of the coup. Nevertheless, actions taken by the military since the coup have undermined the protections ordinarily afforded by the rule of law and have affected the interests of Australians in some instances.” (DFAT 2008, *Travel Advice – Fiji*, 21 January (current for 24 January) <http://www.smartraveller.gov.au/zw-cgi/view/Advice/Fiji> - Accessed 24 January 2008 – Attachment 21). This advice is consistent with that provided in November in a US Department of State travel alert:

On December 5, 2006, the Commander of Fiji’s military deposed the lawfully elected government of Fiji. An unelected interim government was later established. While a State of Emergency is no longer in effect, some basic rights may be denied. Some protections ordinarily afforded by the rule of law are not guaranteed in the current situation.

While Fiji is currently calm, political and economic uncertainties continue. Some nighttime police checkpoints remain in place in and around major population centers. The security situation, especially in Suva, could deteriorate without warning. (US Department of State 2007, *Travel Alert – Fiji*, 2 November http://travel.state.gov/travel/cis_pa_tw/pa/pa_3073.html - Accessed 25 January 2008 - Attachment 22)

As the military reduced its presence on the streets in the first half of 2007, there were various reports of increasing crime in the country. A *Fiji Times* article which discussed some of the issues included comments made by the police director of corporate communications:

On the need for more checkpoints and soldiers to help at stations because police were failing to provide security and were too slow in attending to calls Mr Ravula said: "People are entitled to their views and perceptions but the Fiji Police assures the public that it will fulfill its mandate.

"We have been in the business since the colonial era, with members serving over the years toiling tirelessly.

"Some even shed their blood for the cause of maintaining law and order for the people of Fiji and visitors to our shores."

The force asks parents, community and religious leaders, sporting icons and people holding positions of influence to positively advise their followers on the importance of adhering to the rule of law.

The military has dispatched soldiers to almost every police station, even though it is unclear whether they are armed.

Military spokesman Major Neumi Leweni refused to comment on whether the soldiers were armed.

Fiji Womens Crisis Centre coordinator and Human Rights Commissioner Shamima Ali said the latest robberies and violent attacks were a sad and tragic side of Fiji today and a reflection of the society we live in.

"Poverty, unemployment, lack of facilities in rural areas and islands and a failure on the part of our national leaders in addressing these issues effectively are great contributing factors.

"The politics of race and the coup culture plays a part in the escalation of violent crimes," she said. ("Fiji: Coup culture at a micro level" 2007, *Fiji Times*, 9 May 2007 — Attachment 23)

As reported in Research Response FJI32160 (RRT Country Research 2007, *RRT Research Response - 32160*, 7 August Attachment 24) 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.

...

"They welcomed the presence of checkpoints and the involvement of the military in policing as having a salutary effect on crime and while such tunnel vision was understandable it was shortsighted.

"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.

He said there were two related objectives for human rights abuses.

"The first was to intimidate and frighten opponents of the military where skills acquired in soldiering abroad have been deployed for such ends.

"The second was to consolidate their position by assuming policing functions in the months after the coup," Ratu Joni said. ("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)

An unnamed mid-ranking soldier in a report in November agreed that "things veered out of control after the coup on 5 December when orders were given to clean up the streets. Some of his colleagues have gone further than him and understand the clean-up order to mean they should target Bainimarama's political enemies, he said." It was during the first three months, according to another army spokesman, that human rights abuses were carried out by soldiers "when the army assumed the role of police." ("Mutiny and assassination in Fiji" 2007, *Pacific News Agency*, 19 November – Attachment 25)

Despite the coup, the Fiji Police have recently issued a corporate plan in which its mission is stated to be "To contribute effectively to maintaining the safety and security of the People of Fiji" (Fiji Police [2008], *Fiji Police Force 2008 Corporate Plan* <http://www.police.gov.fj/Publications.html> - Accessed 25 January 2008 – Attachment 26).

However, a US OSAC assessment of January 2007 describes a police force with serious problems of under-resourcing, including officers, vehicles, petrol and training:

The organization still has problems with equipment shortages, some internal corruption, and semi-effective investigative units. Street-level patrol and investigative techniques are ineffective, largely due to transportation limitations. Police officers in Fiji are not armed, and few carry batons or handcuffs.

Personnel and gasoline shortages at police stations are common. Callers requesting police services are routinely told that police cannot respond for lack of transportation. Although there were at least 23 new patrol vehicles donated in 2005, the police fleet remains short of its needs. With the cutting of aid to Fiji due to the coup, this situation will only get worse. Currently, officers in the tourist destination of Nadi (pop. 73,000) often walk, use their own cars, or take taxis or buses to respond to criminal incidents. Expatriate residents of Fiji often voice their frustration at the amount of time it takes the police to respond to an emergency call.

Investigative performance is uneven. When an offender has been arrested or summoned to court, the crime is considered "detected." In 2005, Fiji improved its detection rate from 52% to 58%; a 6% gain over the previous year. However, in the first half of 2006, the overall detection rate dropped to 42% from 51% for the same period in 2005. In the first half of 2006 nationwide, less than 39% of the general property crimes category offenses were detected. (Overseas Security Advisory Council 2007, "Fiji 2007 Crime & Safety Report", 30 January <https://www.osac.gov/Reports/report.cfm?contentID=61828> – Accessed 20 January 2008 – Attachment 27)

List of Sources Consulted

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Government Information & Reports

US Department of State <http://www.state.gov/>

Immigration & Refugee Board of Canada <http://www.irb-cisr.gc.ca/>

UK Foreign and Commonwealth Office

<http://www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1007029394365&a=KCountryProfile&aid=1018965318864>

Non-Government Organisations

Human Rights Watch <http://www.hrw.org/>

International News & Politics

BBC News <http://news.bbc.co.uk>

The Times <http://www.timesonline.co.uk/tol/global/>

The Economist <http://www.economist.com>

The Independent <http://news.independent.co.uk/>

Region Specific Links

Asia Today <http://www.asiasource.org>

Far Eastern Economic Review <http://www.feer.com/>

Fiji Times www.fjitime.com

Fiji Government website <http://fiji.gov.fj/>

Pacific Islands Report <http://pidp.eastwestcenter.org/pireport/text.shtml>

Search Engines

Google <http://www.google.com.au/>

Google Scholar <http://www.google.com.au>

Vivisimo <http://www.vivisimo.com>

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