

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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This response was prepared by the Research & Information Services Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum. This research response may not, under any circumstance, be cited in a decision or any other document. Anyone wishing to use this information may only cite the primary source material contained herein.

Questions

- 1. Is it still the case that while some lawyers, journalists and political activists are harassed by authorities, ordinary citizens and even members of SDL and other regime-opposing organisations are not being abused by the authorities?**
- 2. Is any evidence of Seventh Day Adventists being abused by the authorities or having their freedoms curtailed?**

RESPONSE

- 1. Is it still the case that while some lawyers, journalists and political activists are harassed by authorities, ordinary citizens and even members of SDL and other regime-opposing organisations are not being abused by the authorities?**

No specific information was found in the sources consulted to indicate that ordinary Fijian citizens were being subjected to harassment for anti-government sentiments. It should be noted, however, that the situation in Fiji and the ability to obtain information has deteriorated further in recent months. With the declaration of a state of emergency in April 2009, information on the current situation on the ground in Fiji is difficult to come by. Information which is getting out suggests that the government is cracking down on dissent and those who criticise the regime. While the examples included below are of more high-profile people such as journalists and lawyers, an ordinary citizen expressing criticism of the regime in public may experience difficulties given the current climate in Fiji.

Apolosi Bose, Pacific Researcher for Amnesty International visited Fiji, before the abrogation of the Fijian Constitution on 10 April 2009, and interviewed a wide-range of people, “including lawyers, judicial officers, consular officers, journalists and human rights defenders.” According to Bose, “The human rights situation in Fiji is getting worse by the

day...What is developing is a culture of extreme fear and intimidation.” Bose also states, “There is a very strong military and police presence on the streets, particularly around strategic locations such as government offices, and in the nation’s newsrooms. That is a constant and intimidating reminder that the new military regime will not tolerate dissent and will follow through on the warnings it has issued to critics” (Amnesty International 2009, ‘Amnesty International warns of deteriorating human rights situation in Fiji’, 20 April <http://www.amnesty.org/en/for-media/press-releases/amnesty-international-warns-deteriorating-human-rights-situation-fiji-20> – Accessed 18 June 2009 – Attachment 1).

Sources, quoted below, report that in April 2009 Fijian President Iloilo suspended the Constitution and re-appointed Commodore Bainimarama as Prime Minister until 2014. *The Public Emergency Regulations 2009* was decreed on 10 April 2009 and remains in effect. These regulations significantly infringe the rights to freedom of speech and freedom of association in Fiji, amongst others. The implementation of these regulations has seen news reports by local and foreign media in Fiji heavily censored. The international media continues to report on events in Fiji, while outside Fiji, but it is difficult to know exactly what is happening in Fiji on a daily basis. Critics of the regime including journalists, bloggers, lawyers, civil servants, human rights defenders, political opponents, Methodist church leaders and trade unionists have been intimidated, detained, attacked and sacked by the military government. The military government has also cancelled events such as the annual conference of the Methodist Church and banned individuals from speaking in public such as three accountants at an accounting conference.

The information provided in response to this question has been organised into the following five sections:

- [State of Emergency](#);
- [Media Censorship & Journalists](#);
- [Rule of Law & Legal Professionals](#);
- [Others](#);
- [Situation of Critics of the Regime & Freedom of Speech Prior to April 2009](#).

State of Emergency

On 9 April 2009, Fiji’s Court of Appeal “ruled that Commodore Frank Bainimarama’s actions of declaring a state of emergency and removing Qarase and his ministers from office, were unlawful under Fiji’s constitution.” The Court of Appeal has ordered President Iloilo to dissolve Parliament and appoint an independent interim Prime Minister. The Court of Appeal refused to grant a stay pending an appeal to the Supreme Court. On 10 April 2009, President Iloilo sacked the judiciary and suspended the Fijian Constitution. On 11 April 2009, President Iloilo re-appointed Commodore Bainimarama as Prime Minister until 2014 (‘Fiji coup ruled to be unlawful’ 2009, *Television New Zealand*, source: *ONE News & Reuters*, 9 April <http://tvnz.co.nz/world-news/fiji-coup-ruled-unlawful-2633758> – Accessed 18 June 2009 – Attachment 2; Reporters Without Borders 2009, ‘Prior censorship and expulsion of foreign journalists deal “mortal blow” to press freedom’, 14 April <http://www.rsf.org/Prior-censorship-and-expulsion-of.html> – Accessed 18 June 2009 – Attachment 3; and McLean, Tamara 2009, ‘Fiji: Bloggers continue tirade against Bainimarama’, *New Zealand Herald*, source: *Australian Associated Press*, 17 April http://www.nzherald.co.nz/world/news/article.cfm?c_id=2&objectid=10567134 – Accessed 18 June 2009 – Attachment 4).

On 10 April 2009, *The Public Emergency Regulations 2009* were decreed in Fiji. Human Rights Watch (HRW) provides the following information:

The Public Emergency Regulations 2009 empower the Permanent Secretary for Information to prohibit the broadcast or publication of any material the secretary believes may result in a breach of the peace, or promote disaffection or public alarm or undermine the government.

...The Public Emergency Regulations 2009...purports to empower security forces to prohibit processions and meetings, to use such force as considered necessary, including use of arms, to enter and remain in any building where there is reason to believe three or more people are meeting, and to regulate the use of any public place of three or more persons. It further provides for the detention of suspects for up to seven days without charge. Regulation 3(3) provides:

[n]o police officer nor any member of the Armed Forces nor any person acting in aid of such police officer or member using such force shall be liable in criminal or civil proceedings for having by the use of such force caused harm or death to any person.

The wide-ranging powers and immunity provided in these regulations contribute to impunity for members of the security forces. In addition, the regulations violate the rights of liberty and freedom from arbitrary detention, free speech, and freedom of peaceful assembly. The arbitrary enforcement of restrictions on gatherings and meetings, provided for in the regulations compromises the work of nongovernmental organizations, religious groups, and other civil society organizations (Human Rights Watch 2009, 'Human Rights Watch Letter to President Ratu Josefa Iliolo', 5 May <http://www.hrw.org/en/news/2009/05/05/human-rights-watch-letter-president-ratu-josefa-iloilo> – Accessed 18 June 2009 – Attachment 5).

Xinhua News Agency reports that on 15 May 2009, "Fiji's interim government reiterated...that individuals found breaking the Public Emergency Decree will be detained and possibly charged." *Xinhua News Agency* reports that the "Emergency Regulations were due to expire last week but have been extended until June 10." The article continues:

Fiji army spokesman and Permanent Secretary for Information Neumi Leweni said on Friday there would be no exceptions and anyone trying to cause problems by influencing people in a negative manner would face the law.

With the regulations extended for another month, Leweni said people who are trying to upset, cause incitement or tension amongst the communities will not be tolerated and will need to seriously think twice about their priorities since "the government is only focused on moving the nation forward."

"I urge members of the public and especially community leaders who may be contemplating inciteful actions to stop, as this would only impact on government's efforts to progress the nation toward a better Fiji," he added ('Ignoring public emergency decree in Fiji will not be tolerated: official' 2009, *Xinhua News Agency*, 15 May – Attachment 6).

An article dated 10 June 2009 in *The Advertiser* reports that "Fiji's military regime has extended public emergency regulations – including censorship of the media – for a third month after April's abrogation of the constitution" ('Curbs on Fiji media' 2009, *The Advertiser*, 10 June – Attachment 7).

Media Censorship & Journalists

According to Reporters Without Borders, the 30-day state of emergency declared on 10 April 2009, institutionalises media censorship in Fiji:

Since then, soldiers and information ministry personnel have taken up positions inside the print and broadcast media. Officials say their job is to prevent the publication or broadcasting of reports that could cause “disorder”, “disaffection” or “public alarm”. The media have been told they must “cooperate” and must not criticise the new regime or carry stories that could be regarded as “incitement”.

According to the Public Emergency Regulations introduced under a 30-day state of emergency on 10 April, the permanent secretary for information now has complete control over what the news media report in Fiji, and officials have urged the media to report “positive” news (Reporters Without Borders 2009, ‘Prior censorship and expulsion of foreign journalists deal “mortal blow” to press freedom’, 14 April <http://www.rsf.org/Prior-censorship-and-expulsion-of.html> – Accessed 18 June 2009 – Attachment 3).

An article dated 17 April 2009 by *ABC News* reports that information is still getting out of Fiji “via blogs and text messages.” The article continues:

A Fijian man, who’s a blogger with the Intelligentsiya website, spoke to Radio New Zealand this morning on the condition that his voice would be distorted to protect his identity.

RADIO NEW ZEALAND REPORTER: What kind of pressures are you working under?

FIJIAN MAN: We’ve been working under immense pressure not only from the Ministry of Information but from the military. We understand the military have their IT department in full swing, trying to monitor us.

RADIO NEW ZEALAND REPORTER: Aren’t you and the other bloggers scared of being found out?

FIJIAN MAN: As human beings the thought has crossed our minds. We can’t say we are not fearful (Ritchie, Kerri 2009, ‘Fears over fallout of Fiji media crackdown’, *ABC News*, 17 April <http://www.abc.net.au/pm/content/2008/s2546110.htm> – Accessed 18 June 2009 – Attachment 8).

The Committee to Protect Journalists reports that Netani Rika, editor of *The Times* “said the government has ordered Internet cafes to close at 6 p.m. to limit the exchange of views that were not subjected to Ministry of Information clearance, according to a transcript of his script published by the *Coup Four and a Half* blog” (Committee to Protect Journalists 2009, ‘Censorship continues to suppress Fiji’s media’, 13 May <http://cpj.org/2009/05/censorship-continues-to-suppress-fijis-media.php> – Accessed 18 June 2009 – Attachment 9).

An article dated 8 May 2009 in *The Gold Coast Bulletin* reports on Australian journalist, Sean Dorney, who was deported from Fiji on 14 April 2009. According to Dorney, “It’s important for all of us to appreciate that there’s a country in our region that probably has as much censorship now as Burma.” The article continues:

“The media censorship there now is absolutely dreadful,” said Mr Dorney, who is based in Brisbane.

“I think that the Australian media should be taking more notice of the extreme difficulties now facing our colleagues in Fiji.”

Mr Dorney said the media were no longer allowed to print or broadcast anything criticising Fiji's military dictator Commodore Frank Bainimarama, who has been in control since he led a coup in 2006.

"They have censors based in their newsrooms from the Information Department, backed up by police, and every story has to be submitted to these censors," he said.

"Lots of them get spiked if they have any suggestion of any criticism of Bainimarama and so all the news getting broadcast in Fiji is all totally approved by the government."

Mr Dorney said the people of Fiji were being kept in the dark.

"It's incredibly biased and it's the most extraordinary level of censorship – it's far beyond anything that's existed in Fiji before," he said (Townsend, Melissa 2009, 'Journalist says Fiji censorship is atrocious', *The Gold Coast Bulletin*, 8 May – Attachment 10).

An article dated 13 May 2009 on Fijilive website reports that the "Fiji government's censorship of news content carried by local media outlets could continue indefinitely if media organizations do not learn to comply with directives from the Ministry of Information, says Permanent Secretary for Information Lt-Col Neumi Leweni." The article continues:

Leweni has made it clear that local media should not expect to go back to reporting the way they did prior to 10 April, when the Public Emergency Regulations (PER) were enacted, placing strict government controls over news content. [passage omitted]

"It depends on the media outlets. If they're willing to comply and go the way things are going now, you'll see an end to this. If they don't, then I can tell you that this PER will be there for a long while," he told Fijilive.

Leweni reiterated government's stance that Fiji's news media had an "irresponsible" bent by constantly focusing on the negative and carrying one-sided and sensationalized stories in its coverage of politics, crime and most other events, apart from carrying political agendas.

He said in a statement earlier this week the government had seen it "highly necessary" to extend the PER until 10 June "following its assessment of the media landscape prior to and after the introduction of the emergency regulations".

"At the moment you can say it is censorship," he told Fijilive.

"We're actually setting the standards on what goes and what cannot go. The government's position is you feed the public with bad things and it registers. In some instances it could lead to people doing whatever's being published. You'd be surprised if you asked the police for statistics on people breaking the law. They'll tell you it's dropped tremendously in the past month.

"It's to do partly with the media. You feed the public good things and shape public perception with positive things, they will react accordingly. When you dish out negative issues and a lot of other things like crime, etc, it gets to people and in the end they produce those sorts of activities themselves."

Leweni said the government had seen "good" results since the controls were enforced over the media and wanted to continue to drive news coverage in that direction by keeping the controls in place.

“If I was given the choice, I’d leave it (controls) there for the next five years,” he said (‘Fiji government spokesman threatens indefinite censorship’ 2009, *BBC Monitoring Media*, source: Fijilive website, 13 May – Attachment 11).

An article dated 4 June 2009 in *Yahoo News* sourced from *The Australian Associated Press* reports on Sophie Foster, Associate Editor at *Fiji Times* who describes what it is like to work in Fiji under the new *Public Emergency Regulation 2009*. Please note that her “own newspaper was not able to publish these details of her speech, quoting instead her comments on women’s rights.” The article continues:

“Silence has been so obviously seen, read, and heard across the pages, screens and airwaves of the mainstream media in Fiji,” Foster said in a speech to the Fiji Women’s Rights Movement in Suva.

“(It is) a dangerous, pregnant silence into which many things fall.”

For almost two months, officials had been placed in newsrooms to vet stories and exclude publicity of all “negative” issues.

...Foster said the new Public Emergency Regulation 2009 handed the military “wide-ranging and arbitrary powers to decide what the people of Fiji should not be told”.

The journalist outlined what it was like to continue to write stories that hold the government to account only to have civil servants come in each night and “systematically attempt to erase any trace of disaffection”.

“They arrive after 6pm and leave somewhere around 10. In between that time, they shred to pieces our intrinsic right to freedom of expression,” Foster said.

She said while the truth is censored out, it still exists, with teachers shortages, blackouts and other negatives they can’t report still continuing.

People are still talking, but the fear is that without a public vent, the situation could get dangerously worse, the journalist said.

“The danger is when these frustrations build up with no vent, or they reach people for whom there seems to be nothing left to gain, or lose.

“It’s of vital importance that the truth be known, that the truth be reported widely and that there be free discussion around matters of community or national interest.”

Foster was brave to tell her story, given other journalists who have similarly spoken out since April have been detained and questioned over their actions (‘Dangerous silence’ in Fiji’s media’ 2009, *Yahoo News*, source: *Australian Associated Press*, 4 June <http://nz.news.yahoo.com/a/-/world/5628465/dangerous-silence-fijis-media/> – Accessed 18 June 2009 – Attachment 12).

According to Bose of Amnesty International, “Except for what the military want them to hear, the people of Fiji have no access to information about what is happening in their country... There is a real sense of confusion because people lack the information they need to make decisions in their daily lives” (Amnesty International 2009, ‘Amnesty International warns of deteriorating human rights situation in Fiji’, 20 April

<http://www.amnesty.org/en/for-media/press-releases/amnesty-international-warns-deteriorating-human-rights-situation-fiji-20> – Accessed 18 June 2009 – Attachment 1).

A number of sources are reporting on the treatment of the local and international media in Fiji. For examples of censorship, detention of journalists, deportation of foreign journalists, relocation of news agencies and protests by the media please see the following:

- Reporters Without Borders (14 April 2009): “The military government is heading dangerously towards a Burmese-style system in which the media are permanently subject to prior censorship and other forms of obstruction” (Reporter Without Borders 2009, ‘Prior censorship and expulsion of foreign journalists deal “mortal blow” to press freedom’, 14 April <http://www.rsf.org/Prior-censorship-and-expulsion-of.html> – Accessed 18 June 2009 – Attachment 3);
- Human Rights Watch (5 May 2009): “The right to freedom of expression has been violated since April 10, 2009” (Human Rights Watch 2009, ‘Human Rights Watch Letter to President Ratu Josefa Iloilo’, 5 May <http://www.hrw.org/en/news/2009/05/05/human-rights-watch-letter-president-ratu-josefa-iloilo> – Accessed 18 June 2009 – Attachment 5);
- Committee to Protect Journalists (13 May 2009): “At least a dozen local journalists have been interrogated by police since the regulations came into force on April 10, according to The Associated Press” (Committee to Protect Journalists 2009, ‘Censorship continues to suppress Fiji’s media’, 13 May <http://cpj.org/2009/05/censorship-continues-to-suppress-fijis-media.php> – Accessed 18 June 2009 – Attachment 9); and
- Reporters Without Borders (20 May 2009): “Criticism of your government has disappeared from the Fijian media. Political, social and economic news is still being covered but journalists are not able to play their role as Fourth Estate. Fear has taken hold within the news media following a number of arrests of journalists and threatening statements by officials” (Reporters Without Borders 2009, ‘Open letter from Reporters Without Borders to Prime Minister Frank Bainimarama’, 20 May <http://www.rsf.org/Open-letter-from-Reporters-Without,33066.html> – Accessed 18 June 2009 – Attachment 13).

Rule of Law & Legal Professionals

In a letter to President Iloilo dated 5 May 2009, HRW reports that the Fiji Government has “abolished any pretence of an independent judiciary.” HRW provides the following information on the rule of law and the independence of the judiciary in Fiji:

On April 10, 2009, you removed all judicial officers from office. On April 16, you issued the Administration of Justice Decree, which removes the President of the Law Society from the Judicial Services Commission and terminates all pending cases that challenge the actions of the interim administration since the coup. On April 20, you appointed, under this Decree, Ajmal Gulab Khan as Chief Magistrate and Faizal Koya as magistrate, together with seven others who were sitting magistrates prior to the abrogation. Ana Rokomokoti, the former military lawyer who was appointed a magistrate by the interim administration in May 2007, was appointed Chief Registrar on April 15 by the Public Service Commission, reconstituted under the State Services Decree 2009. Five magistrates, Amani Rokotinaviti, Josaia Waqavolavola, Vani Ravono, Laisa Laveti, and former Chief Magistrate Naomi Matanitobua, were not reappointed. All other judicial offices remain vacant. Since their removal, judges have been closely monitored by police and military officers and have been refused access to the court buildings.

Lawyers are also being targeted. On April 14, police arbitrarily detained Dorsami Naidu, the President of the Fiji Law Society, after Naidu attempted to enter the Lautoka High Court Building with fellow lawyers and High Court Judge Gwen Phillips to deal with cases as usual. Naidu was released the next day, though has since received a late night telephone call from someone identifying himself as a military officer, asking him to come to the barracks. Naidu refused. In addition, the Law Society has not been given written permission to meet, over two weeks after it applied for such a permit.

Through the Fiji Constitution Amendment Act 1997 Revocation Decree 2009, you revoked all constitutional offices, including the Office of the Solicitor-General and of the Director of Public Prosecutions. You reappointed Christopher Pryde, an interim government appointee who represented Commodore Bainimarama in the *Qarase v. Bainimarama* proceedings, on April 21 after consulting with the Interim Attorney General, pursuant to the State Services Decree 2009. A new Director of Public Prosecutions is yet to be appointed (Human Rights Watch 2009, 'Human Rights Watch Letter to President Ratu Josefa Iliolo', 5 May <http://www.hrw.org/en/news/2009/05/05/human-rights-watch-letter-president-ratu-josefa-iloilo> – Accessed 18 June 2009 – Attachment 5).

An article dated 15 April 2009 in *ABC News* reports that Dorsami Naidu, President of the Fiji Law Society “has now been released from detention after spending 24 hours in custody where he says he was threatened with charges of sedition.” Commodore Bainimarama and his main spokesman publicly denied that anyone had been detained, however, Dorsami Naidu said “I was definitely detained...I couldn't stay at my home, I wasn't allowed to leave the police station”. Dorsami Naidu also said “his members are scared.” The article notes that “Senior figures across Fiji have told ABC Radio's The World Today that they are afraid to speak because they do not know what the consequences would be because there is no judiciary” ('Fiji Law Society president released from detention' 2009, *ABC News*, 15 April <http://www.abc.net.au/news/stories/2009/04/15/2543491.htm> – Accessed 18 June 2009 – Attachment 14).

The Australian reports that Richard Naidu, Managing Partner of Munro Leys, John Apted, Partner at Munro Leys and Tevita Fa, Legal Adviser to Qarase were detained by the military authorities on 19 May 2009, “accused of contributing to an anti-government blog.” The article continues:

The action was taken after Mr Naidu and Mr Apted were denounced in pro-government blog Real Fiji News as suspected contributors to anti-government blog Raw Fiji News.

Real Fiji News, which claims not be linked to the government or military, named Mr Naidu as “blogger No1” on May 15, and denounced him later as a traitor.

Two days later, Mr Apted was named by Real Fiji News after it had urged its readers to “do the right thing and name a blogger”.

The three lawyers were released on Tuesday evening after having their computers confiscated and examined to determine if they were responsible for any of the online criticism of Commodore Frank Bainimarama and his military regime.

Although all three were released after questioning, Mr Naidu was required to return on Wednesday for more questioning (Merritt, Chris 2009, 'Military regime in Fiji detains leading lawyers', *The Australian*, 22 May <http://www.theaustralian.news.com.au/business/story/0,28124,25518158-36418,00.html> – Accessed 18 June 2009 – Attachment 15).

According to John Marshall QC, President of the New Zealand Law Society, “The Fiji regime’s decision to take over issuing practicing certificates for lawyers in Fiji is very disturbing”. A press release by the New Zealand Law Society dated 25 May provides the following information on the decision:

By a decree dated Friday 22 May, the Fiji Government has ruled that the Chief Registrar of the Court, a government employee, will take over issuing practising certificates from the Fiji Law Society. The decree says that all existing certificates will expire by the end of June and that lawyers will have to seek renewal from the Registrar before then.

John Marshall said the move was a very serious attack on the independence of the legal profession in Fiji and is of considerable concern.

...“The New Zealand Law Society is also very concerned about the process by which these and other wide ranging changes to the regulation of Fiji’s legal profession have been made. There was no consultation, simply the issuing of the decree. Then, at the weekend representatives of the regime arrived at the Fiji Law Society offices to remove files relating to complaints, which, under the decree, will now also be handled by the Registrar,” John Marshall said (New Zealand Law Society 2009, ‘Media release – Fiji Law Society’, *Scoop*, 25 May <http://www.scoop.co.nz/stories/PO0905/S00333.htm> – Accessed 18 June 2009 – Attachment 16).

Others

An article dated 14 April 2009 by *ABC News* reports that “The Reserve Bank governor has recently spoken out about Fiji’s financial woes. It’s believed he’s now in custody.” An article dated 14 May 2009 by the *BBC News* reports that “Constitutional office holders, including the governor of the central bank, have been forced from office and replaced by the regime’s supporters.” (Ritchie, Kerri 2009, ‘Fiji’s military tightens grip on power’, *ABC News*, 14 April <http://www.abc.net.au/pm/content/2008/s2542761.htm> – Accessed 18 June 2009 – Attachment 17; and Murphy, Zoe 2009, ‘Coup leader keeps iron grip on Fiji’, *BBC News*, 14 May <http://news.bbc.co.uk/2/hi/asia-pacific/8035317.stm> – Accessed 18 June 2009 – Attachment 18).

An article dated 20 April 2009 by Amnesty International reports that people in Fiji are being forced to self-censor which has had a negative effect on NGOs and human rights organisations in Fiji:

Further to the crackdown on journalists and any critics of the military or the interim government, it is now believed that the regime is monitoring email traffic and blogs as an additional means of suppressing any criticism.

“As a result, people are being forced to self-censor and important human rights groups in Fiji are unable to go about their work properly,” said Apolosi Bose. “There has been a major chilling effect on a once-robust NGO and human rights defender community.”

“In the absence of a free press to hold the military to account for their actions and a judiciary to provide a balance of power, the work of these human rights organisations is crucial. But they are being crippled by repression. With no-one to stand up on behalf of the abused and the vulnerable, there is a real risk of further grave human rights abuses occurring against civilians” (Amnesty International 2009, ‘Amnesty International warns of deteriorating human rights situation in Fiji’, 20 April <http://www.amnesty.org/en/for-media/press->

[releases/amnesty-international-warns-deteriorating-human-rights-situation-fiji-20](#) – Accessed 18 June 2009 – Attachment 1).

HRW on 5 May 2009 reports that the Fijian “government has censored media outlets and intimidated human rights defenders, journalists, lawyers, and political opponents” (Human Rights Watch 2009, ‘Human Rights Watch Letter to President Ratu Josefa Iloilo’, 5 May <http://www.hrw.org/en/news/2009/05/05/human-rights-watch-letter-president-ratu-josefa-iloilo> – Accessed 18 June 2009 – Attachment 5).

An article dated 14 May 2009 in *BBC News* reports that there have been attacks on the homes and offices of trade unionists and other political players in Fiji:

On the face of it, Fiji appears calm. The capital Suva is quiet as citizens go about their daily lives. There is no heavy military presence on the streets as in previous times of national crisis.

But underlying the sense of normality is an atmosphere of fear, with people now expressing their concerns in closed circles.

There have been petrol bombings targeting the homes and offices of vocal trade unionists and other political players, says a local journalist speaking to the BBC News website on condition of anonymity, for fear of reprisals.

The attacks were meant to scare those who dared speak out against the military regime, the journalist says.

...A local human rights worker told the BBC about targeted break-ins during which confidential data was stolen.

The changing political terrain is making it very difficult to operate day-to-day, and because of safety concerns, staff are avoiding working at weekends or into the evening, the worker says (Murphy, Zoe 2009, ‘Coup leader keeps iron grip on Fiji’, *BBC News*, 14 May <http://news.bbc.co.uk/2/hi/asia-pacific/8035317.stm> – Accessed 18 June 2009 – Attachment 18).

An article dated 22 May 2009 in *The Australian* reports that “Fiji’s Citizens Constitutional Forum expressed concern this week about what it said was a curtailment of the powers of the Fiji Human Rights Commission.” Fiji’s Citizens Constitutional Forum “said a decree by President Josefa Iloilo prevents the Human Rights Commission from receiving complaints against any decree, and it is unable to investigate, question or challenge the legality of any presidential decrees” (Merritt, Chris 2009, ‘Military regime in Fiji detains leading lawyers’, *The Australian*, 22 May <http://www.theaustralian.news.com.au/business/story/0,28124,25518158-36418,00.html> – Accessed 18 June 2009 – Attachment 15).

The Australian reports that in May 2009 Commodore Bainimarama issued a warning “to Methodists that they must stop calling for a return to democracy.” *The Australian* also reports that in May 2009 former Methodist Church President Reverend Manasa Lasaro was arrested and “detained for two days following a sermon in which he is alleged to have backed peaceful protests to restore democracy.” *Radio Australia News* reports that on 29 May 2009 the Fijian police and military announced that the permit for this year’s Methodist Conference scheduled for August was refused under Fiji’s Emergency Regulations. The permit was refused on the basis that “‘political’ subjects would be discussed which could lead to

trouble.” On 3 June 2008, Fiji’s Methodist Church leaders met with Commodore Bainimarama to plead for the ban to be lifted but Commodore Bainimarama refused to yield. *The Fiji Times* reports that Neumi Leweni, Acting Permanent Secretary of the Ministry of Information “said Commodore Bainimarama would only meet them if the church removed Reverend Manasa Lasaro and Reverend Tomasi Kanailagi.” The Fijilive website reports that “Fiji’s Methodist Church may not be allowed to hold its annual conference...for the next five years if it does not comply with government’s request to wash its hands off politics” (Dorney, Sean 2009, ‘Fiji Methodists face ban’, *Radio Australia News*, 8 June <http://www.radioaustralianews.net.au/stories/200906/2590854.htm> – Accessed 18 June 2009 – Attachment 19; ‘Church seeks talks on issues’ 2009, *Fiji Times*, 9 June <http://www.fijitimes.com/story.aspx?ref=archive&id=123151> – Accessed 18 June 2009 – Attachment 20; ‘Fiji PM threatens Methodists with extended ban on conference’ 2009, *BBC Monitoring South Asia*, source: Fijilive website, 10 June – Attachment 21; and Callick, Rowan 2009, ‘Frank Bainimarama tries to stop Methodists’, *The Australian*, 5 June <http://www.theaustralian.news.com.au/story/0,25197,25587855-16953,00.html> – Accessed 18 June 2009 – Attachment 22).

An article dated 11 June 2009 on the New Zealand news website, [stuff.co.nz](http://www.stuff.co.nz) reports that three speakers at the Fiji Institute of Accountants Congress were cancelled. The Fijian military has also banned prominent lawyer Richard Naidu and academic Brij Lal from speaking:

One of the banned accountant’s speakers, former Fiji Law Society head Graham Leung, released his speech, saying dictatorship has replaced the rule of law, democracy and human rights.

“We have a regime whose authority is based on force rather than the consent of the people.”

Mr Leung, who has previously been taken into military custody, said the military had removed the Fiji Reserve Bank Governor, Savenaca Narube.

No one protested.

“What does it say about us as a nation when senior constitutional office holders can be swept away without not so much as a murmur from the business and financial community?” (Field, Micheal 2009, ‘Fiji critics resisting censorship’, [stuff.co.nz](http://www.stuff.co.nz) website, 11 June <http://www.stuff.co.nz/world/2492650/Fiji-critics-resisting-censorship> – Accessed 18 June 2009 – Attachment 23).

Situation of Critics of the Regime & Freedom of Speech Prior to April 2009

RRT Research Responses and reports from 2008 and 2009 may be of interest:

- *Research Response FJI34899* (1 June 2009): Question 1 provides information on Qarase and the SDL during 2009.
- Amnesty International’s *Report 2009 – Fiji* (28 May 2009): “Prominent political figures including critics of the interim government were arbitrarily arrested, detained and subjected to cruel, inhuman or degrading treatment by members of the army.”
- US Department of State’s *2008 Human Rights Reports: Fiji* (25 February 2009): Journalists, anti-coup activists, lawyers and NGOs (Section 1e, 1f, 2b, 2d and 4). See also Section 2a which provides information on freedom of speech during 2008.

- *Research Response FJI34369* (2 February 2009) contains DFAT advice dated 17 July 2008 on the treatment of relatives and employees of Ministers in the former Qarase-led government.
- *Research Response FJI34072* (17 December 2008) contains DFAT advice on the treatment of SDL members and supporters.
- *Research Response FJI34054* (14 November 2008): provides information on the treatment of SDL members and supporters as well as information on the treatment of critics of the regime.

2. Is any evidence of Seventh Day Adventists being abused by the authorities or having their freedoms curtailed?

Limited information on Seventh-Day Adventists in Fiji was found amongst the sources consulted. Please see Question 1 of this response for information on the difficulty in getting current information on the situation on the ground in Fiji. Given that the Fijian military government is currently cracking down on dissent, sources indicate that if the Seventh-Day Adventists criticise the government or get involved in politics (see the paragraph on the Methodist Church in Question 1) they may experience difficulties.

The US Department of State's *International Religious Report 2008 – Fiji* published on 19 September 2008 provides general information on freedom of religion in Fiji. This report does not mention Seventh-Day Adventists.

An article dated 8 December 2006 on the *Adventist News Network* reports that there are “some 25,000” Seventh-Day Adventists in Fiji. According to the 2007 census, there are 32,308 Seventh-Day Adventists in Fiji (28,645 Fijian, 1,003 Indian and 2,660 Other) (Steele, Allen 2006, ‘Fiji: Church Appeals for Peace Following Military Coup’, *Adventist News Network*, 8 December <http://news.adventist.org/2006/12/fiji-church-appeals-for-peace-followig-military-coup.html> – Accessed 18 June 2009 – Attachment 24; and Fiji Islands Bureau of Statistics 2008, *Fiji Facts and Figures As at 1st July 2008*, p.9 <http://www.statsfiji.gov.fj/FFF08.pdf> – Accessed 22 May 2009 – Attachment 25).

According to the Adventist Organizational Directory, there are nine Seventh-Day Adventist organisations in Fiji:

1. Fiji ABC – Suva – Book Store
2. Fiji Mission – Lami, Suva – Mission
3. Fulton College College – Tailevu – College (no post grad)
4. Lagilagi Seventh Day Adventist Church – Lautoka – Church
5. Navesau Junior Secondary School – Wainibuka – Partial Secondary School
6. Suva Adventist College – Lami, Suva – Partial Secondary School
7. Togovere S.D.A church – Rakiraki, Ra – Church
8. Trans Pacific Union Mission – Tamavua, Suva – Union Mission
9. Vugalei Seventh-day Adventist Church – Suva – Church (‘Search Results – Fiji’ 2009, Adventist Organizational Directory website, 18 June http://www.adventistdirectory.org/Search.asp?ViewParams=&Name=&Admin=&EntityType=&AF1=&AF2=&AF3=&AdmFieldID=&AF2_Save=&AF3_Save=&City=&STProvUS=&StateProv=&PostalCode=&CtryCode=FJ&Search=Lookup+Search – Accessed 15 June 2009 – Attachment 26).

An article dated 8 December 2006 on the *Adventist News Network* reports that leaders of the Seventh-Day Adventist Church in Fiji joined other Christian denominations in condemning the military coup of Commodore Bainimarama:

Pastor Tom Osborne, president of the church's Fiji Mission, said the church in Fiji is very concerned about the developing situation and has taken a proactive role, calling for dialogue, justice and forgiveness to restore peace and stability to the country.

As a way forward, Osborne is urging those involved in the coup at the national level to "exercise a ministry of reconciliation and act as ambassadors of goodwill, openness and forgiveness."

In a statement released to the Fijian press and government early in the conflict, Osborne said, "The Seventh-day Adventist Church urges the government authorities involved to push for an early end to this current crisis on the basis of Christian moral and ethical principles of human rights, and good faith negotiations that are fair to all concerned and which may lead to better relationships."

In addition, the Adventist church in Fiji asked all its members, along with the faith community in government, to pray for divine assistance in restoring peace and goodwill to the nation (Steele, Allen 2006, 'Fiji: Church Appeals for Peace Following Military Coup', *Adventist News Network*, 8 December <http://news.adventist.org/2006/12/fiji-church-appeals-for-peace-following-military-coup.html> – Accessed 18 June 2009 – Attachment 24).

An article dated 11 December 2006 in *Fiji Sun* reports that the Seventh-Day Adventist Church in Fiji "condemns the illegal takeover of the legal and democratically-elected government by the Republic of Fiji Military Forces." The article continues:

Church president Tom Osborne said the military takeover showed utter disrespect for the rule of law.

"The church rejects the use of violence and military power as a method of conflict resolution. We call on the military and its leadership to adopt the process of dialogue, justice, forgiveness and reconciliation to bring peace and stability back into our lives," said Mr Osborne.

The church does not tolerate nor will justify the expressions of deeds of violence exercised by the military in the last few days to bring about political outcomes, he added.

Mr Osborne said the church believes the misuse of military power will inflame hostility and violence within our community. "We still believe and promote the pursuit of freedom through the democratic process," Mr Osborne said.

"We propose dialogue, which can contribute to the restoration of human dignity, equality, and unity through the grace of God in which we, human beings, see each other as members of the family of God." He reiterated that the SDA stood for peaceful resolutions and "we appeal to everyone in the community to demonstrate a level of restraint and patience rather than resorting to violence and retaliation" ('Adventists condemn Fiji coup' 2006, *BBC Monitoring Asia Pacific*, source: *Fiji Sun*, 11 December – Attachment 27).

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UK Home Office <http://www.homeoffice.gov.uk/>

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

United Nations (UN)

UNHCR <http://www.unhcr.org/cgi-bin/texis/vtx/rsd>

Non-Government Organisations

Amnesty International <http://www.amnesty.org/>

Committee to Protect Journalists <http://cpj.org/>

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

Reporters Without Borders <http://www.rsf.org/>

International News & Politics

ABC News <http://www.abc.net.au/>

Adventist News Network <http://news.adventist.org/>

The Australian <http://www.theaustralian.news.com.au/>

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Fiji Times <http://www.fjitime.com/>

Fijilive <http://www.fijilive.com/>

New Zealand Herald <http://www.nzherald.co.nz/>

Radio Australia News <http://www.radioaustralianews.net.au/>

Scoop <http://www.scoop.co.nz/>

Stuff.co.nz <http://www.stuff.co.nz/>

The Sydney Morning Herald <http://www.smh.com.au/>

Television New Zealand <http://tvnz.co.nz/>

Search Engines

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

Databases:

FACTIVA (news database)

BACIS (DIAC Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

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

RRT Library Catalogue

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