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Fiji: Downward spiral continues for human rights following persecution of prominent human rights lawyer

The Fiji government has started the new year with renewed attacks against people's right to freedom of expression through threats, intimidation, discrimination, and the cynical use of the law as a tool of oppression.

The persecution, under legal pretexts, of prominent human rights lawyer Ms Imrana Jalal by the Fiji Independent Commission Against Corruption (FICAC) is the latest example of such repression. The prosecution of Jalal has been specifically targeted to punish her for her strong public stance against human rights violations perpetrated by the military since its overthrow of the Laisenia Qarase-led government in December 2006.

On 1 January, FICAC officers served Jalal with seven misdemeanour charges relating to the Public Health (Hotels, Restaurant and Refreshment Bars) Regulations, the Food Safety Act and the Penal Code. The charges relate to a business operated by a company of which she and her husband are directors. Amnesty International believes that these charges, related to minor regulatory infractions, are politically motivated.

On 11 January, officers from FICAC went to Jalal's office in Suva to serve notice for her to surrender her passport. Later that day in court, Jalal and her lawyer were told that she was now being charged under the Prevention of Bribery Promulgation 2007 for the same offences. She was also informed that the Bribery Promulgation 2007 authorises FICAC to seize her passport and to retain it for up to six months. She has surrendered her passport to the court and has been told that she would need to file applications and affidavits with the court every time she needs to travel abroad.

Her current position as Human Rights Advisor for the Secretariat of the Pacific Community's Pacific Regional Rights Resource Team (RRRT) and her affiliations with numerous international human rights organisations require her to travel frequently throughout the Pacific region and internationally. Given her busy travel schedule, she would need to file applications with the court on an almost weekly or fortnightly basis which would be a very costly and time-consuming.

The authorities have also continued in their attacks on the independence of the judiciary and made threats against members of the public. In a 5 January radio interview Army Land Force Commander Pita Driti warned critics and dissenters that they will be treated harshly by the military in 2010 if they do not "cooperate".

The government summarily dismissed Magistrates Elsie Hudson, Mary Muir and Eparama Rokoika without any explanation on 30 December 2009. According to information received by Amnesty International, 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.

The sacking of the three magistrates is a direct interference with the independence of the judiciary, thus undermining a crucial safeguard against human rights violations.

On 8 January, army officers went to Trade Unionist Pramod Rae's home and warned him against organising a strike by members of his union employed by the Bank of Baroda, who had ongoing grievances with their employer.

Also on 8 January, officials from the Prime Minister's office suspended indefinitely 20 workers of the Suva City Council (SCC), including some in senior management positions, and seized their office computers. Officials in the Prime Minister's office accused the suspended workers of being anti-government bloggers.

On 11 January, Dr Padma Lal, a Fiji-born Australian citizen with a valid work permit for Fiji was denied entry into the country by Immigration officials without any reasons being given. She was detained and sent back to Australia the next day. Her husband Dr Brij Lal, a prominent Fijian historian, was forced to leave the country after being threatened by senior military officers at the army camp in Suva on 4 November 2009 after his criticism of the Fiji government's decision to eject the senior most Australian and New Zealand diplomats. The military threatened to kill him if he remained in Fiji.

On 12 January the Prime Minister announced that government would stop the pension payments of pensioners who are "dissenters and critics" of the government. The Pensions and Retirement Allowances Decree 2009 gives the Prime Minister the power to stop pensions or other allowances if a person *inter alia* '*prejudices the orderly functioning or operation of the government, promotes or incites feelings of ill-will and hostility amongst the different classes of population in Fiji, brings hatred or contempt or disaffection against the administration of justice*'. These powers are arbitrary, sweeping and violate the human rights to social security and to just and favourable conditions of work, as a means of suppressing dissent.

On 13 January the Prime Minister announced a ban on the Methodist Church from holding their annual conference until 2014, accusing church ministers of spying on the nation's military on behalf of the government ousted in a 2006 coup. This order violates Methodist Church worshippers' rights to freedom of assembly and religion. (More information on the persecution of the Methodist church can be found on www.amnesty.org).

Amnesty International calls on the Fiji government to cease immediately all measures which violate the rights to freedom of expression, association and assembly, and to refrain from any other measures aimed at suppressing peaceful dissent. In particular, the authorities should:

- Immediately cease all interference with the independence of the judiciary;
- Immediately put a stop to the threats, harassment, intimidation and persecution of critics, including the prosecution of Imrana Jalal;
- Immediately and unconditionally restore full payments to pensioners who may be critical of government;
- Revoke the ban on the Methodist Church's annual conference and stop persecution of senior members of the church.

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