

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

Index: ASA 18/6575/2017

Date: 26 June 2017

Fiji: Call for justice for Fiji's torture victims on global anti-torture day

On Monday 26 June, the International Day in Support of Victims of Torture, Amnesty International calls on the Fijian authorities to ensure justice and accountability for victims of torture in the country.

In December 2016, Amnesty International published *Beating Justice: How Fiji's security forces get away with torture*¹, a report describing obstacles to accountability for torture and other ill-treatment, including constitutional immunities and a lack of political will to effectively investigate cases.

Iowane Benedito, a man tortured by state security forces in late 2012, is still waiting for justice. A video published on YouTube in February 2013, shows police and military officers sexually assaulting Benedito and repeatedly beating him with a stick. Despite widespread media coverage of his case, police initially failed to adequately investigate Benedito's complaint. After former Police Commissioner Ben Groenewald ordered the re-opening of a case, the military prevented police officers from arresting an alleged perpetrator who was also military officer.

In October 2015, two military officers and three police officers were charged with assaulting Benedito and are still awaiting trial. In November 2016, one of the military officers accused in Benedito's case, Pita Matairavula (formerly the bodyguard of Prime Minister Bainimarama) was convicted and sentenced to nine years imprisonment in a separate case concerning the rape and sexual assault of Vilikesa Soko while in custody. Soko died.

Amnesty International contacted the Office of the Director of Public Prosecutions in Fiji, who stated that the trial for Iowane Benedito's torture and other ill-treatment is scheduled to begin on 13 November 2017.

In yet another case, Fiji Times photographer Sitiveni Moce was assaulted by the military shortly after the 2006 military coup. While taking photos of the arrest of Methodist Church leaders by soldiers on 1 February 2007, Moce was also arrested, dragged into the back of a military vehicle, kicked and punched twice in the face. Colleagues say he endured further assaults after being taken to military barracks. He suffered severe injuries and his condition deteriorated, eventually leaving him paralyzed and bedridden for a year before he died on 13 November

¹ Available at: <https://www.amnesty.org/en/documents/asa18/5149/2016/en/>

2015.

Moce's widow and other journalists have been unsuccessful in getting the authorities to effectively investigate his torture and other ill-treatment in military custody. Immunities in the Fijian Constitution that effectively put the military above the law prevent his widow from obtaining any compensation for his injuries and death. Fiji's current Constitution grants extensive criminal and civil immunity to the military, police and other government officials for violations committed between late 2006 and 2014.

Amnesty International's report was debated in Fiji's Parliament in February 2017. Despite calls from Fiji's opposition parties to implement the report's recommendations, the Attorney General claimed the report "lacks intellectual integrity."² He did not, however, deny any of the individual cases of torture and other ill-treatment described in the report. He also failed to outline any initiatives undertaken by the government to address torture, in spite of prior public commitments to do so. In addition, Fiji failed to submit its first report under the UN Convention against Torture, which was due in March 2017, one year after the treaty was first ratified by Fiji.

Amnesty International urges the Fijian authorities to:

- Repeal the immunity provisions in sections 155 to 158 of Fiji's Constitution, which act as a barrier to the investigation or prosecution of torture cases;
- Amend the definition of torture under the Crimes Decree to ensure it complies with international human rights law and that penalties reflect the gravity of the offence; and
- Order the prompt withdrawal of the armed forces from public security tasks on the basis that their involvement is unnecessary and its officers have failed to comply with international human rights standards on policing and use of force.

In 1997 the UN General Assembly proclaimed 26 June as the United Nations International Day in Support of Victims of Torture, with a view to the total eradication of torture and the effective functioning of the UN Convention against Torture, which came into effect on 26 June 1987.

Torture and other cruel, inhuman or degrading treatment is absolutely prohibited under international law, in all circumstances and without exception. The prohibition applies in all circumstances, including in situations of armed conflict, during anti-terrorist operations, or other public emergency. There can be no justification for torture and other ill-treatment. All acts of torture constitute a gross violation of human rights and a crime under international law. States have obligations to bring to justice everyone responsible for any act of torture; to prevent and prohibit torture; and to provide victims with access to justice, rehabilitation and other forms of reparations.

² Daily Hansard. *Parliament of Fiji. Parliamentary Debates*. 9 January 2017, p539. Available at: <http://www.parliament.gov.fj/wp-content/uploads/2017/03/THURSDAY-9TH-FEBRUARY-2017-final.pdf>