

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

Index: ASA 18/9333/2018

30 October 2018

Fiji: Make public investigation findings and hold accountable all involved

Amnesty International calls on the Fiji authorities to make public the results of an investigation into the death of 26 year-old rugby player Josua Lalauvaki, who died shortly after being released from police custody in September 2018.

Lalauvaki's case fits a pattern of numerous cases of abuses¹ by the Fiji security forces, including torture and other cruel, inhuman or degrading treatment or punishment, compounded by a systematic lack of prompt, impartial, effective and independent investigations.

According to press reports and information collected by Amnesty International, on 2 September 2018 around 4am, police officers in uniform and civilian clothes arrested and allegedly assaulted Lalauvaki, two women and another man. They were arrested from outside a local nightclub after an argument started with police officers in civilian clothes. They were assaulted in a police vehicle and at the carpark of Totogo Police Station in Suva where the police took them. The police officers punched and slapped the women. They used batons and kicked Lalauvaki and the other man. They continued further assault on Lalauvaki by kicking and stomping on his stomach and chest whilst he was on the ground. Thereafter, they were taken into the police station and released. The group then attempted to file a complaint against the police officers that assaulted them however the front desk police officers threatened that Lalauvaki would be charged and given ten years imprisonment if they filed a complaint. They called over the police officers responsible for the violence and asked the group to reconcile. The police officers apologised and shook the hands of all the victims.

Late in the afternoon of 2 September, Lalauvaki was rushed to the Colonial War Memorial Hospital after he continuously complained of a severe abdominal pain. Early next morning Lalauvaki underwent surgery and was put in an induced coma for approximately 18 days. He passed away on 11 October 2018 and the cause of death was listed as severe intra-abdominal sepsis resulting from a blunt force trauma.

Police were officially informed about Lalauvaki's condition as early as 5 September, three days after his arrest and admission to hospital. Subsequently, the police advised

¹ Several reports of torture and other ill treatment by the security forces have surfaced during this year, including a recent media report about Sefanaia Turagadamudamu, a remand prisoner brutally beaten by corrections officers. Please see: The Fiji Times, *Remand inmate's father wants justice*, 20 October 2018, available at <https://www.fijitimes.com/remand-inmates-father-wants-justice/> accessed 30 October 2018.

they could not take any action until they receive his full medical report, which the hospital said they could only release once the victim is discharged from the Intensive Care Unit. After nearly three weeks the Criminal Investigations Department (CID) of Totogo Police Station made contact with the family to take their statements.

Internal Affairs Unit and the CID of the Fiji Police Force carried out the investigations, instead of investigators independent of the suspected perpetrators and the security forces. The investigations were conducted after nearly three weeks, and in addition, no investigations have been announced into the assault of other people, who were beaten up by police alongside Lalauvaki.

Amnesty International notes with concern that during the course of the investigations none of the police officers suspected of being responsible for committing or being involved in Lalauvaki's death were suspended from active duty. This is especially preoccupying given the risk that police officers who were investigated were in a position to interfere with the investigation process, including threatening witnesses and tempering with the evidence. Two police officers were eventually suspended.

Amnesty International calls for prompt, impartial, effective and independent investigations into all cases of torture and other cruel, inhuman or degrading treatment or punishment by the security forces. This includes investigation into those assaulted alongside Lalauvaki, and police officers that threatened reprisals and prevented complaints from being filed on the day of incident. The investigations must follow international standards, including the Minnesota Protocol on the Investigation of Potentially Unlawful Deaths and the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol). Those against whom credible, admissible evidence is found should be prosecuted in fair trials by independent, civilian courts.

The Fiji government must make its findings public and implement the findings meticulously to bring justice to this case and help prevent further torture and deaths in police custody. Amnesty International also calls on the Fiji government to ensure that reparations are provided to victims and survivors (including family members) of serious human rights violations in accordance with international law and standards.

Background

Torturing a detainee to death violates two key human rights – the right to life and freedom from torture and other ill-treatment. Both these rights are non-derogable under international law, that is, they can never be violated under any circumstances. As a state party to international human rights treaties, including the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Fiji is legally bound to refrain from torture and arbitrary killings at all times.

Fiji ratified the UN Convention against Torture in March 2016, in line with its acceptance of recommendations made by several states during its Universal Periodic Review (UPR) at the UN Human Rights Council. While ratification is generally a positive

step, Fiji made a number of significant reservations. Most notably, Fiji stated that it rejects the definition of torture in the Convention, which, because of the centrality of the definition to this treaty, renders its ratification almost meaningless. Fiji also said that it would not allow the UN Committee against Torture to review individual complaints. Military, police and government officials enjoy constitutional immunities for abuses committed prior to October 2014.