

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

Research Response Number: FJI34054
Country: Fiji
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Keywords: Fiji – Treatment of Soqosoqo Duavata ni Lewenivanua (SDL) members and supporters

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Questions

- 1. Please provide information regarding the Fiji military regime's treatment of members and supporters of the Soqosoqo Duavata ni Lewenivanua (SDL) party, particularly those who continue to express their opposition to the military regime.**
- 2. Please provide information on the military regime's treatment of members of and senior office holders in the former SDL-led government.**

RESPONSE

For background information on the Fijian political party, *Soqosoqo Duavata ni Lewenivanua* (SDL) please see *RRT Research Response FJI32347* dated 24 September 2007. It provides information on the formation, structure, party ideology and principles, policies and political representation of the SDL in Fiji.

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Limited information on the treatment of SDL members and supporters was found amongst the sources consulted. The information provided in response to these questions has been organised into the following three sections:

- Treatment of SDL Members and Supporters;
 - Government Sources
 - Newspaper Sources
- Recent Interaction between the SDL and the Interim Government of Fiji
- Treatment of Critics of the Regime

Treatment of SDL Members and Supporters

• Government Sources (2007)

An Immigration and Refugee Board of Canada response dated 6 February 2008 provides the following information on the treatment of SDL members and supporters:

Treatment of SDL members/supporters

A Research Fellow at Australian National University (ANU) who wrote a chapter on the aftermath of the coup for the book *From Election to Coup in Fiji* commented on the treatment specifically of SDL members in 16 January 2008 correspondence with the Research Directorate. His comments are contained in the following paragraph.

The Research Fellow stated that after the coup, SDL leader Laisenia Qarase travelled to his home island of Vanuabalavu and was prevented by the military from returning to Suva [the capital]. The Research Fellow reported that that other members and supporters of the SDL have been harassed. He cited specific examples of senior SDL members, such as Peceli Kinivuwai [SDL National Director], Ted Young [SDL Acting National Director] and Mere Samisoni, Member of Parliament (MP). He said Peceli Kinivuwai had been taken at least six times to the QEB [Queen Elizabeth Barracks] where he was beaten. Ted Young had been beaten on several occasions, as had Mere Samisoni. The ANU Researcher further stated that those SDL MPs “who have remained silent, acquiesced or joined the new interim government” have not experienced harassment.

Media sources corroborate the detentions of Peceli Kinivuwai, Ted Young (Fiji Times Online 11 Dec. 2006; *ibid.* 21 May 2007) and MP Mere Samisoni (*Islands Business* 14 Dec. 2006).

In a 16 January 2008 interview conducted by the Research Directorate, a professor of economics at Acadia University with a research interest in Fiji likewise stated that various members of the SDL, including Mere Samisoni, have been taken to the barracks, beaten, intimidated, and forced to do physical exercises (16 Jan. 2008).

Treatment of non-elite SDL members/supporters who are indigenous Fijians

According to the Research Fellow from ANU, poll results from May 2007 indicate that around 80 percent of indigenous Fijians support the SDL (16 Jan. 2008). *From Election to Coup in Fiji* states that authoritarian rule has been directed at both indigenous Fijians and Indo-Fijians, but stated that indigenous Fijians have “felt the brunt of military repression” since they are the group most opposed to the new regime (ANU 2007, 436). The ANU Research Fellow commented on the intimidation of non-elite indigenous Fijians as follows:

There has not been any systematic harassment of indigenous Fijian SDL supporters...although there have been many cases of harassment of ordinary citizens (including SDL supporters) for speaking out in opposition to the coup, for alleged offences at the military checkpoints, for alleged “corruption” and as part of the wider “clean up” campaign targeting

bootleggers, nightclubs, drug dealers, prostitutes etc. Many were taken to the RFMF [Republic of Fiji Military Forces] barracks in the first few months after the coup, but this seems to have abated. (Research Fellow 16 Jan. 2008)

The Acadia University Professor corroborated the information that while people were taken to the barracks after the coup first happened, this is occurring less frequently (16 Jan. 2008). He voiced his opinion that people are now practising “self-censorship” (Professor 16 Jan. 2008) (Immigration and Refugee Board of Canada 2008, *FJI 102703.E – Fiji: Treatment of members and supporters of the Soqosoqo Duavata ni Lewenivanua (SLD) [United Fiji Party], in particular treatment of non-elite indigenous Fijians*, 6 February http://www.irb-cisr.gc.ca/en/research/rir/index_e.htm?action=record.viewrec&gotorec=451695 – Accessed 13 November 2008 – Attachment 1).

- **Newspaper Sources (2008)**

On 4 September 2008, the SDL lodged a formal complaint with the Fiji Police Force alleging Commodore Bainimarama and members of the Military Council “committed treason contrary to section 5 of the penal code.” The complaint was lodged by SDL party leader Laisenia Qarase, SDL members Samisoni Tikoinasau, Ted Young, Mere Samisoni and Tupeni Baba on behalf of SDL as well as former opposition leader Mick Beddoes and former SDL member Adi Sivia Qoro (‘SDL party files complaint against Fiji’s strongman’ 2008, *Fiji Broadcasting Corporation*, 5 September <http://www.radiofiji.com.fj/fiji2/fullstory.php?id=14118> – Accessed 14 November 2008 – Attachment 3).

On 6 September 2008, members of the SDL who lodged a treason complaint against the interim government went into hiding. As a safety precaution, SDL lawyer Niko Nawaikula advised Laisenia Qarase, Samisoni Tikoinasau, Ted Young, Mere Samisoni and Dr Tupeni Baba to stay away from their homes until 8 September. According to Nawaikula, some of his clients “have been followed, received telephone calls requesting them to go to certain places so that they can be questioned”. It has also come to Nawaikula’s attention “that the police and military officers are working together to threaten his clients” (‘Fiji politicians in hiding after threats “from military personnel”’ 2008, *BBC Monitoring*, source: *Fiji Sun*, 7 September, Zibb Search Engine website <http://www.zibb.com/article/3913528/Fiji+politicians+in+hiding+after+threats+from+military+personnel> – Accessed 14 November 2008 – Attachment 4).

An article dated 5 August 2008 by AAP reports that Qarase continues to be investigated by the Fiji Independent Commission Against Corruption (FICAC) on charges of abusing his office. Qarase claims that his family and friends have been victimised:

With a pained expression, Qarase tells me one of the hardest parts about being thrown out of office has been its impact on his family and friends.

“I have got two sons in Australia now. I have advised them to get away from Fiji because they were among the first to be victimised,” he said.

“I have also got a son in the (United) States. He has applied for a green card.”

He said his son now in America was “terrorised” by the military following the coup and investigated for corruption.

“They really hounded him...He just couldn’t survive. I said: ‘Look, you had better get away, try and find something overseas. When things settle down then you can come back’.”

There have been widespread allegations that enemies of the army have been roughed-up by soldiers since the coup.

The United States has described how women were sexually molested and a former government minister was forced to run around a track at gunpoint.

None of Qarase’s family were physically assaulted, but he says his friends were.

“Some of them have been called up to the barracks and then sworn at and some of them were punched up and things like that,” he says matter of factly (‘Ousted Fiji leader talks about life after the coup’ 2008, AAP, 5 August, Stuff.co.nz website

<http://www.stuff.co.nz/4643061a12.html> – Accessed 14 November 2008 – Attachment 5).

On 20 April 2008, SDL National Director Peceli Kinivuwai was stopped from leaving Fiji, at the airport, due to a prohibition order (‘SDL director stopped at airport’ 2008, *Fiji Times*, 21 April http://www.fijitimes.com/story.aspx?id=86938&cid=0&ei=TIoLSKPwK5TgggO8s-nFBA&usg=AFrqEzcf_y0n8hwzcOHY9etjpKerH-e50Q – Accessed 14 November 2008 – Attachment 6).

Recent Interaction between the SDL and the Interim Government of Fiji

The first meeting between coup leader and interim Prime Minister Commodore Frank Bainimarama and Fiji’s politicians including the SDL wrapped up on 27 October 2008. The next meeting is scheduled for December. The SDL labeled the political dialogue forum as a “waste of time” with SDL National Director Peceli Kinivuwai stating, “We just sat there for more than half the day listening to the interim Government go on and on about their future plans but they did not give us a chance to listen to what we say...For the SDL party we were ready to submit our proposal to the interim government but unfortunately we were not given time to do so” (‘Political forum wraps up in Fiji’ 2008, *Radio Australia*, 27 October

<http://www.radioaustralia.net.au/news/stories/200810/s2402563.htm> – Accessed 14 November 2008 – Attachment 7; and ‘Former ruling party ‘not happy’ with political forum outcome’ 2008, *Fiji Live*, 31 October, Islands Business International website http://www.islandsbusiness.com/news/index_dynamic/containerNameToReplace=MiddleMiddle/focusModuleID=130/focusContentID=13744/tableName=mediaRelease/overrideSkinName=newsArticle-full.tpl – Accessed 14 November 2008 – Attachment 8).

The SDL want the political dialogue forum to continue despite seeking an injunction on the draft People’s Charter for Change, Peace and Progress. A government press release dated 7 August 2008 states that the “proposed Peoples Charter (PC) is about building a more solid foundation for the common good based on the equality and dignity of all citizens; good and just governance; respect for diverse cultural and religious beliefs; sustainable economic growth; a promise to uplift the people who are disadvantaged and opportunities based on merit for all citizens.” The press release reports that the PC “seeks to strengthen the constitution and does not replace it.” For more information on the People’s Charter, please see <http://www.fijitimes.com/extras/draftcharter.pdf> (Fiji Government 2008, ‘Fiji: The People’s Charter And The Way Forward’, *Scoop*, 7 August <http://www.scoop.co.nz/stories/print.html?path=WO0808/S00109.htm> – Accessed 14 November 2008 – Attachment 9; and ‘Step up dialogue forum, SDL pleads’ 2008, *Fijilive*, 14

November http://www.fijilive.com/news_new/index.php/news/show_news/10583 – Accessed 14 November 2008 – Attachment 10).

On 14 November 2008, the Fiji High Court ordered the interim government to stop all work on the draft People's Charter for Change, Peace and Progress as well as to stop “promulgating any law, decree order or doing or recommending anything whatsoever to alter or amend the 1997 Constitution or anything whatsoever, including changes to the electoral system that are contrary to or inconsistent with current provisions of the Constitution until the final determination of this matter.” The court proceedings have been adjourned to 10am on 18 November (‘Fiji High Court stops Charter work’ 2008, *Fijilive*, 14 November http://www.fijilive.com/news_new/index.php/news/show_news/10590 – Accessed 14 November 2008 – Attachment 11).

On 11 November 2008, Qarase said he filed an appeal against the High Court of Fiji decision that held the 2006 military coup to be legal (‘Fiji’s ousted leader Qarase files appeal’ 2008, *The Sydney Morning Herald*, 12 November <http://news.smh.com.au/world/fijis-ousted-leader-qarase-files-appeal-20081112-5mva.html> – Accessed 14 November 2008 – Attachment 12).

An article dated 28 May 2008 in *The Fiji Times* reports that Commodore Bainimarama “said the military and the interim Government would ensure the SDL party did not contest the next general election as it continued to oppose the National Council for Building a Better Fiji and the People’s Charter process.” The ousted opposition leader Mick Beddoes “said the comments were unfortunate, especially after dialogue between Mr Qarase and Commodore Bainimarama had started.” Qarase “said his party followed the requirements of contesting a general election as stipulated in the Constitution” and “the only way Commodore Bainimarama could exclude the SDL was if the Constitution was abrogated” (‘Justify expulsion: Qarase’ 2008, *Fiji Times*, 28 May <http://www.fijitimes.com/story.aspx?id=90468> – Accessed 14 November 2008 – Attachment 13).

Treatment of Critics of the Regime

For general information on the treatment of critics of the regime please see:

- Amnesty International’s *Report 2008* dated 28 May (Amnesty International 2008, *Annual Report 2008 – Fiji*, 28 May – Attachment 14);
- The US Department of State’s *Country Reports on Human Rights Practices 2007 – Fiji* dated 11 March 2008 (US Department of State 2008, *Country Reports on Human Rights Practices 2007 – Fiji*, 11 March, Section 1d, 1e, 2a & 2b – Attachment 15); and
- An Immigration and Refugee Board of Canada response dated 6 February 2008 (Immigration and Refugee Board of Canada 2008, *FJI 102703.E – Fiji: Treatment of members and supporters of the Soqosoqo Duavata ni Lewenivanua (SLD) [United Fiji Party]*, in particular treatment of non-elite indigenous Fijians, 6 February http://www.irb-cisr.gc.ca/en/research/rir/index_e.htm?action=record.viewrec&gotorec=451695 – Accessed 13 November 2008 – Attachment 1).

List of Sources Consulted

Internet Sources:

Government Information & Reports

Immigration and Refugee Board of Canada http://www.irb-cisr.gc.ca/en/research/rir/index_e.htm?action=search

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/>

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

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

International News & Politics

Fiji Broadcasting Corporation <http://www.radiofiji.com.fj/>

Fiji Sun <http://www.sun.com.fj/>

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

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

Pacific Islands News Association <http://www.pina.com.fj/>

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

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

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

The Sydney Morning Herald <http://www.stuff.co.nz/>

Search Engines

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

Zibb <http://www.zibb.com/>

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

List of Attachments

1. Immigration and Refugee Board of Canada 2008, *FJI 102703.E – Fiji: Treatment of members and supporters of the Soqosoqo Duavata ni Lewenivanua (SLD) [United Fiji Party], in particular treatment of non-elite indigenous Fijians*, 6 February http://www.irb-cisr.gc.ca/en/research/rir/index_e.htm?action=record.viewrec&gotorec=451695 – Accessed 13 November 2008.
2. Deleted.
3. ‘SDL party files complaint against Fiji’s strongman’ 2008, *Fiji Broadcasting Corporation*, 5 September <http://www.radiofiji.com.fj/fiji2/fullstory.php?id=14118> – Accessed 14 November 2008.

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5. 'Ousted Fiji leader talks about life after the coup' 2008, *AAP*, 5 August, *Stuff.co.nz* website <http://www.stuff.co.nz/4643061a12.html> – Accessed 14 November 2008.
6. 'SDL director stopped at airport' 2008, *Fiji Times*, 21 April http://www.fijitimes.com/story.aspx?id=86938&cid=0&ei=TIoLSKPwK5TgggO8s-nFBA&usg=AFrqEzcf_y0n8hwzcOHY9etjpKerH-e50Q – Accessed 14 November 2008.
7. 'Political forum wraps up in Fiji' 2008, *Radio Australia*, 27 October <http://www.radioaustralia.net.au/news/stories/200810/s2402563.htm> – Accessed 14 November 2008.
8. 'Former ruling party 'not happy' with political forum outcome' 2008, *Fiji Live*, 31 October, *Islands Business International* website http://www.islandsbusiness.com/news/index_dynamic/containerNameToReplace=MiddleMiddle/focusModuleID=130/focusContentID=13744/tableName=mediaRelease/overrideSkinName=newsArticle-full.tpl – Accessed 14 November 2008.
9. Fiji Government 2008, 'Fiji: The People's Charter And The Way Forward', *Scoop*, 7 August <http://www.scoop.co.nz/stories/print.html?path=WO0808/S00109.htm> – Accessed 14 November 2008.
10. 'Step up dialogue forum, SDL pleads' 2008, *Fijilive*, 14 November http://www.fijilive.com/news_new/index.php/news/show_news/10583 – Accessed 14 November 2008.
11. 'Fiji High Court stops Charter work' 2008, *Fijilive*, 14 November http://www.fijilive.com/news_new/index.php/news/show_news/10590 – Accessed 14 November 2008.
12. 'Fiji's ousted leader Qarase files appeal' 2008, *The Sydney Morning Herald*, 12 November <http://news.smh.com.au/world/fijis-ousted-leader-qarase-files-appeal-20081112-5mva.html> – Accessed 14 November 2008.
13. 'Justify expulsion: Qarase' 2008, *Fiji Times*, 28 May <http://www.fijitimes.com/story.aspx?id=90468> – Accessed 14 November 2008.
14. Amnesty International 2008, *Annual Report 2008 – Fiji*, 28 May.
15. US Department of State 2008, *Country Reports on Human Rights Practices 2007 – Fiji*, 11 March.