



Methodist Church in Fiji

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Your Ref:

Our Ref: 15 July 09

The Regional Representative
Office of the United Nations High Commissioner for
Human Rights (OHCHR)
Level 5, Kadavu House
Suva.

Dear Sir,

Re: Submission to the UN Universal Periodic Review

Warm Christian greetings!

We respectfully submit herewith a submission to the UN Universal Periodic Review concerning gross abuse of rights and basic freedoms by the Fiji regime. The attached is the original submission signed by the Church General Secretary, Rev Tuikilakila Waqairatu.

Grace and peace!

Yours sincerely,

(Isikeli Kini)

For Secretary,

Department of Christian Citizenship & Social Services

Fiji

Methodist Church in Fiji & Rotuma Submission to the UN Universal Periodic Review

Seventh Session of the UPR Working Group 2010

Introduction

On Tuesday December 5, 2006, the Fiji Military Forces overthrew the elected government of Fiji. The Commander of the Fiji Military Forces Voreqe Bainimarama then assumed executive authority of the State. On reinstating the President Ratu Josefa Iloilovatu in January 2007, Bainimarama was appointed Prime Minister and Army Commander and in August 2007, he had undertaken at a meeting of the leaders of the Pacific Forum that elections would be held in March 2009, a commitment he failed to keep.

Since the military takeover of December 2006, the social and economic situation in Fiji has deteriorated with growing poverty and increasing hardship. The machinery of government has been militarized; the Commissioner of Police, a number of Divisional Commissioners, the Registrar of the High Court and other independent government posts are now held by military personnel. Government workers have been dismissed without due process. In May 2009, almost 2000 government workers over the age of 55 were retired despite a court decision confirming their rights to continued employment. While such action was justified on the pretext of reducing the cost of the civil service, at the same time there has been an increase in the numbers of intake into the military. Several senior members of the military, police, civil service and statutory authorities who had shown the slightest disagreement with the Bainimarama regime's policies were summarily dismissed.

On 09 April 09, the Fiji Appeals Court had ruled that the President had acted unlawfully and unconstitutionally in dismissing the elected government and appointing an interim government including the appointment of military commander Voreqe Bainimarama as interim Prime Minister in January 2007. The Court also stated that it would be lawful and advisable for the President to appoint a new interim government of independent persons to take the country back to elections under the 1997 Constitution.

The President chose not to follow the advice of the Court of Appeal. Instead, the President had abrogated the 1997 Constitution, re-appointed military commander Voreqe Bainimarama to be interim Prime Minister, as well as his interim cabinet, and set 2014 as the election date. The independence of the judiciary and independent offices in government such as the Director of Public Prosecution, the Commissioner of Police, the Supervisor of Elections, the Auditor General, the Ombudsman, The Human Rights Commissioner and the Governor of the Reserve Bank have been seriously compromised through various decrees. Other decrees prohibit court

challenges against the military and government concerning coup-related activities, against the actions of the President following the Appeals Court decision of 09 April, and another which effectively removed the Constitutional Offices Commission.

It is well known that apart from imagined threats and unsubstantiated claims by the illegal government leaders, there is no “public emergency” in Fiji except for the treasonous, illegal actions of the President and the government following the Appeals Court ruling of April 2009. The Public Emergency Regulation enacted in May 2009 offers no protection for people against arbitrary arrest, detainment and torture. It is a device to deny people of their basic human rights including those to free speech and peaceful assembly and is an instrument of oppression against those who wish to stand up to express views against government, and highlight the growing poverty and suffering of the people under this military regime. For the Military and Police, it is a license to arbitrarily arrest, detain, torture and murder. It is on record that a number of people have died in Military and Police detention since December 2006 and the convicted killers have been set free by the regime. The Public Emergency Regulation is a draconian muzzle against press freedom enabling the illegal regime to use the Police and the Military in a form of censorship that is so pervasive that it has coerced all the news outlets in Fiji to publish and broadcast military propaganda disguised as news reports.

The freedom of religion or belief in Fiji has been compromised by a new Police strategy to fight crime. This involves a so-called “Christian crusade” aimed at people to become Christians. Regardless of their religion or Christian denomination, all Police officers, including Hindus, Moslems, Buddhists, and Christians are expected to be part of this crusade. The Police Commissioner and Police spokesperson have stated publicly that those who do not agree with this crusade would have their Police employment terminated. At the same time, the brother of the Police Commissioner has set up a new denomination called “the New Methodists” which has been actively promoted and supported by the regime. There is evidence that those who have opted to join this church have been favored over others in promotion and other considerations in the Police force while the flimsiest excuse is used to terminate the employment of officers of other religions and denominations.

In the final analysis, since December 2006, human rights and basic freedoms in Fiji have been trampled, the independence of the judiciary severely tampered with and the rule of law compromised. Democracy has been thrown out and Fiji is now well and truly a military dictatorship.

Abuses of Rights Concerning the Methodist Church, its Ministers, Officials and Members

The Methodist Church in Fiji and Rotuma is the largest Christian denomination in Fiji. Since the 2006 military coup, it has been most vocal strongly advocating the application of ethical standards in governance, the restoration of basic rights, freedoms and a quick return to democracy in Fiji as the solution to alleviate the poverty and the suffering of the population. Although invited to participate in the formulation of the people’s Charter, the Church had not participated on the ground amongst others, that the formulation of such important policy measures could not be supported under an unelected, dictatorial regime. Because of its stance, the Church has had a very strained relationship with the military government of Commodore

Voreqe Bainimarama which has perpetrated several spurious claims against it including that of falsely linking the Church to the coup and the social disturbances of 2000.

Under its Constitution, the Methodist Church's Department of Christian Citizenship and Social Services is responsible for promoting and being a watchdog for good citizenship values and Christian ethics and principles in the political, social and economic spheres in the Fiji community. The Methodist Church Constitution also requires that each of the Church's 53 divisions Fiji wide should meet once annually in April-May, while matters discussed at the divisional annual meetings would be brought up for further deliberation and adoption at the annual conference of the Church which is usually held around August.

As part of the preparation for the 2009 annual meetings of its 53 divisions, the Department of Christian Citizenship and Social Services had prepared a draft motion for discussion and deliberation. This was based on the concern that in light of their lack of respect for the courts, the illegal actions and misconduct of Fiji's national leaders and their abuse of peoples' basic rights and freedoms were setting a very bad example for the nation and especially to its children. What hope is there for Fiji if our leaders act contrary to the law and the Constitution, and disrespect the basic rights of the people? The illegal and unethical conduct of the current Fiji leadership confirms that the State has lost its moral authority to govern, having become tyrannical against the people it is supposed to serve.

The draft motion which was sent out on 28 April 2009 under the signature of the Secretary for the department of Christian Citizenship and Social Services Reverend Manasa Lasaro and which was deliberated and agreed to by most of the annual divisional meetings of the Church contained the following recommendations:

Recommendations

In the interest of alleviating poverty and the distress of the people, ensuring the rule of law, peace, justice, and good governance, it is recommended that the Church immediately calls on the President, the interim Prime Minister and the interim government to:

1. Reinstate the Constitution and comply with the rule of law as directed by the Appeals Court on Thursday 09 April 2009
2. Return the country to democratic elections under the 1997 Constitution, and under foreign, independent supervision, not later than December 2009 or as soon as possible thereafter.
3. Protect all the rights of its citizens as stipulated under the 1997 Constitution, especially from arbitrary arrest, harassment, torture and inhumane treatment.
4. Reinstate the law courts and ensure an independent judiciary.
5. Ensure that any changes to the electoral system are democratic, constitutional, participatory, and inclusive and accounts for the interests of all individuals and ethnic groups complying with the UN Convention on the Declaration of Human Rights as well the UN Convention on the Rights of Indigenous Peoples.
6. Ensure that the Charter and other policies are considered and acted upon in line with the provisions of the 1997 Constitution.
7. Ensure the operation of a free and independent media

8. Set up an independent truth and reconciliation commission towards national forgiveness, reconciliation and healing.
9. That fasting and prayers be undertaken for the month of June to ask for divine guidance and assistance in resolving the difficult situation in Fiji.
10. That resources and financial support is made available to the respective Church Divisions to assist those impoverished and disadvantaged due to the current crisis.

Consequences & Victimisation

Having somehow obtained a copy of the draft motion sent for discussion at the divisional meetings, on 14 May 09 the Police took Reverend Lasaro in for interrogation, arrested him and detained him for one night in a cell at the Central Police Station. They interrogated his staff, took away a computer and Church records and are currently still in the process of interrogating most of the 53 Divisional Superintendents of the Church. Reverend Tomasi Kanailagi, in a church service broadcast Fiji-wide on radio on the evening of Sunday 17 May 09 had preached that the Church could not deny its duty to stand up for human dignity and truth and call for God's justice considering the poverty of the people, the suffering, harassment, suspension of basic rights and oppression under the current regime.

The Police, acting under powers in the Public Emergency Regulation, have banned some normal Church meetings that were to take place at certain localities. At a meeting in June 2009, Interim Prime Minister Voreqe Bainimarama in the presence of the Military Council informed the Church President and the General Secretary that unless Reverend Lasaro and Reverend Kanailagi were dismissed, the interim government would not allow the Church to hold its annual bazaar and annual conference for 2009.

The Church's duty is to uphold God's truth and His concern for human dignity by protecting people's rights, cultivating good ethics and a moral order which contribute to peace, stability and social justice. The Methodist Church in Fiji runs schools, orphanages, poverty alleviation and assistance programs, Christian family values, vocational and civic education programs, health workshops and seminars which are important in Fiji's development and nation building. Most of these programs are funded from the Church bazaar and the levies on the church membership. So by denying the Church the right to assemble in peace for the bazaar and annual conference, the military regime is not only attempting to cut off financial support for the Church, it is perpetuating its assault on a society built on human dignity and morality, and the basic rights and freedoms of its people while victimizing those who have stood up for freedom of religion and belief, democracy, human rights, the rule of law and good governance. Moreover, the proposed ban of the Methodist annual bazaar and conference is a denial of the rights of the members of the Church to manifest their faith publicly in peaceful assembly, worship, and singing at the choir competition and related activities.

Interim Prime Minister Bainimarama continues to call for the dismissal of both Reverend Lasaro and Reverend Kanailagi and continually announce that the annual conference of the Church will be banned. The Police are continuing with their investigation against Reverend Lasaro, and it is quite possible that he and others in the Church will be victimized and charged for offences under the Public Emergency Regulation.

Recommendations

Under the relevant sections of the Universal Declaration of Human Rights and other international conventions and declarations as appropriate, it is recommended that the government:

1. Be held accountable to recognize, respect and assure the right to freedom of religion and belief, and to comply with the provisions for the elimination of all forms of intolerance and discrimination based on religion or belief.
2. Be held to account to recognize, respect and assure the rights of the Methodist Church, its Ministers, officials and members to their privacy, honor, and freedom of opinion, expression, assembly, association and the public manifestation of their belief.
3. Be held accountable for its failure to comply with the rule of law in accordance with provisions in international covenants, as shown by its abrogation of the Fiji Constitution and its failure to comply with the directions of the Appeals Court on Thursday 09 April 2009.
4. Be held accountable for its failure to comply with the rule of law and return the country to democratic elections as directed by the Appeals Court.
5. Protect all the rights of its citizens as stipulated in the Universal Declaration of Human Rights, and in the Constitution of Fiji 1997, especially freedom of religion, opinion, conscience and expression, and from arbitrary arrest, torture and inhumane treatment.
6. Be held accountable for its interference in the judiciary and non compliance with the rule of law.
7. Be held accountable to ensure that any changes to the electoral system are democratic, constitutional, participatory and inclusive, and accounts for the interests of all individuals and ethnic groups complying with the Universal Declaration of Human Rights as well the UN Declaration on the Rights of Indigenous Peoples 2007 and other covenants.
8. Ensure that the People's Charter and other government policies and strategies are considered and acted upon in line with the rule of law and the democratic participation of the people in accordance with all their rights under the 1997 Fiji Constitution, the Universal Declaration of Human Rights and other international conventions and declarations including the UN Declaration on the Rights of Indigenous Peoples.
9. Ensure the operation of a free and independent media
10. Be held accountable for removal of all provisions of the Public Emergency Regulation 2009 that deny human dignity and which contravene the rights of the people under the 1997 Fiji Constitution, the Universal Declaration of Human Rights and other international covenants and declarations.

Respectfully submitted,


(Rev T. Waqairatu)

General Secretary,

Methodist Church in Fiji & Rotuma

10 July '09.