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FIJI: Human Rights Under the Interim Military Government

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At this critical time in Fiji, Amnesty International appeals to the Interim Military Government to ensure that fundamental human rights are upheld by any interim administration. Amnesty International has followed with increasing concern the ongoing detention of hostages held in the parliament complex, and the continuing reports of lawlessness and human rights abuses perpetrated in Suva and other areas in the context of a violent attempt to overthrow an elected government.

The organization has noted recent initiatives to clarify the rule of law under Martial Law, imposed on 30 May 2000. It welcomes the appeal for respect for the rule of law, made on 30 May 2000 by the Head of the Interim Military Government, Commander Voreqe Bainimarama. Amnesty International is encouraged by the high priority given to the protection of unarmed civilians in the "rules of engagement" for military and police actions, as published on 28 May 2000. Clear and unmistakable instructions on such rules are important to ensure the protection of fundamental human rights.

Many Fijian military and police officers are aware from their peace-keeping experience overseas that martial law or national emergencies do not absolve a country's authorities of their responsibility to ensure respect for basic rights and freedoms. Certain human rights guarantees can never be suspended, particularly guarantees against torture, ill-treatment and discrimination. This rule reflects general principles of international and national law.

Amnesty International recognizes the considerable difficulties and constraints the Fiji Interim Military Government faces, particularly regarding the ongoing hostage-taking of elected members of parliament, and the sensitivities of negotiations and other efforts to ensure their safe release. The organization is unconditionally opposed to any hostage-taking, as well as to any cruel, inhuman or degrading treatment of persons held against their will. Such actions are an abuse of basic human rights recognized all over the world. Amnesty International has repeatedly called for the immediate and unconditional release of all hostages held in the Fiji parliament complex, and for anyone responsible for human rights abuses in the context of the coup attempt to be brought to justice.

Amnesty International notes the Fiji Interim Military Government's announcement that an interim administration will draft a new Constitution as a basis for general elections and a return to democratic civilian rule. It also notes the Fiji Existing Laws Decree 2000, which provides that any laws in force immediately before 29 May 2000 remain in force -- subject to qualifications and exceptions as may be necessary due to the absence of a valid Constitution.

Amnesty International believes that any such qualification or modification of laws and rules, as well as any law enforcement measures undertaken by military or civilian security forces, must respect human rights. In the current political crisis, respect for fundamental rights and freedoms is crucial in order to assist the process of stabilization, respect for the rule of law and a return to normal life.

In particular, Amnesty International believes that the following guarantees are essential in order to prevent human rights abuses and to lay the foundation for reconciliation in Fiji. They are based on internationally recognized principles, such as those reflected in the 1945 United Nations Charter, the Universal Declaration of Human Rights, and other international instruments, including the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

Specifically, Amnesty International appeals to all members of any interim administration in Fiji to:

- protect all fundamental human rights as guaranteed in Fiji's domestic laws in force up to 29 May 2000;
- ensure that any restrictions of rights, such as on freedom of movement during curfews, are clearly defined and within the strict limits permitted under international law for an officially declared state of emergency;
- provide specific protection, including safeguarding the writ of *habeas corpus*, against arbitrary arrest and detention, torture or ill-treatment, and any discrimination on the grounds of race, ethnic origin, sex, colour, nationality or social origin, language, religion, economic or other status;
- guarantee the full independence and impartiality of the judiciary to ensure that anyone responsible for human rights abuses is brought to justice in a fair trial, in accordance with international standards;
- facilitate the functioning of established mechanisms for independent investigation and redress of human rights abuses, such as the civilian Police, Ombudsman Office and the judiciary.

Amnesty International believes that in following these principles, the Fiji Interim Military Government and any subsequent administration can build on Fiji's considerable achievements in the protection and promotion of human rights, and on the expertise of its established civilian

institutions. Fiji's security forces have won international respect for their contribution overseas towards maintaining peace, human rights and the rule of law in crisis situations. Given the crisis Fiji is now facing, Amnesty International calls upon the current Interim Military Government to apply the same basic principles in any steps taken to restore peace, security and a safe release of all hostages.

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