

Fijian government moves to pardon coup plotters

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16 June 2005

In a move that is certain to heighten political tensions, the Fijian government tabled its so-called Reconciliation, Tolerance and Unity Bill in parliament on May 31. The legislation, which has been derided as the “Get-Out-Of-Jail Bill” in the Fijian press, provides a general amnesty for those involved in seizing control of parliament in May 2000 and holding the Labour-led government of Prime Minister Mahendra Chaudhry at gunpoint for nearly two months.

The coup’s nominal leader George Speight and his gunmen ultimately failed in establishing their own government. Chaudhry, however, was replaced by the current prime minister Laisenia Qarase, with the backing of the military, political and legal establishment, and formed a government that was broadly sympathetic to the coup’s communal aims and included some of those directly involved.

Under pressure from Australia and New Zealand, Qarase was compelled to put Speight and some of his associates on trial for treason. They were convicted and are serving lengthy jail terms. Last year Fiji’s vice-president Ratu Jope Seniloli and four other leading politicians, including the deputy speaker of the House of Representatives, were sentenced to jail terms for sedition and taking an illegal oath to commit a capital offence.

Further court cases threatened to open up divisions in the ethnic Fijian elite and undermine the Qarase government. Moreover, there was always the risk that the trials would reveal details of those who stood behind Speight in May 2000. While warding off these dangers, the Reconciliation, Tolerance and Unity Bill will only intensify ethnic frictions. Speight justified his actions by openly racist denunciations of Chaudhry, Fiji’s first ethnic Indian prime minister, and of ethnic Indians, who comprise nearly half of the country’s

population.

There was a substantial police presence at the parliament building when the government introduced the bill. All visitors were searched. Outside parliament, a group of protesters opposed the Bill. Police Commissioner Andrew Hughes told the media: “We have heightened our security presence from this week because we are aware of the controversy this Bill has generated.”

Inside parliament, 29 military officers attended in full uniform to observe proceedings and as a thinly disguised protest. Hughes and armed forces chief Commander Frank Bainimarama have both expressed opposition to the bill. Hughes blandly defended the military presence saying: “It was a non-violent, peaceful attendance. Military personnel have the same right as ordinary citizens.”

Bainimarama, who has described the bill as “reconciliation bull”, backing the presence of his officers in court, saying he wanted the whole army to be aware of the legal implications. On June 10, the *Fijilive* web site revealed that the military has been visiting people “to raise awareness”. Military spokesman Captain Neumi Leweni said: “We are telling the people what is in the bill and inform them of our stance. We tell them we don’t accept the Bill, particularly the amnesty aspect.”

The opposition of Hughes and Bainimarama reflect the concerns of a layer of the ruling elite that leniency will only encourage political instability and thus damage the country’s economic prospects. The Australian and New Zealand governments have both insisted that an example be made of those responsible for the 2000 coup. In order to extend its influence in Fiji, Canberra has supported the appointment of Australian officials in senior Fijian posts, including

Hughes, who is a former Australian Federal Police deputy commissioner.

On June 2, the Labour Party opposition walked out of the second reading speech in protest. Labour Party deputy leader Poseci Bune declared: “Political parties and civil society organisations including the Fiji Law Society have made it clear in no uncertain terms that the Bill is dangerous and unacceptable in its present form.” Just as it accommodated to the coup and the Qarase government, so the Labour Party is not opposing the bill outright but is only seeking amendments.

Despite government claims to the contrary, the Reconciliation, Tolerance and Unity Bill is a travesty of justice. Section 21 provides an amnesty for anyone who participated in the coup with a “political objective, and was not purely criminal in context”. It will establish a Council with the power to override court decisions and set aside previous convictions. Those receiving an amnesty will have their criminal record wiped clean. The bill gives “priority” to “persons in custody”—a clause that can only refer to Speight and his jailed supporters.

Commenting in the *Sydney Morning Herald* on June 6, Fiji’s former assistant director of public prosecutions, Gregor Allan, pointed out that the legislation exonerated coup plotters who acted for a “political objective” and focussed on “violations against human beings” rather than “offences against the state”. “Through this jurisprudential delusion, of course, the crime of treason ceases to exist,” he declared.

As a sop to those who suffered at the hands of Speight, the Council will also be able to grant compensation. The Council will be composed of representatives from religious denominations, the Indian community, various non-government organisations and the Great Council of Chiefs (GCC). The unelected GCC, a bastion of the ethnic Fijian elite, has significant powers under the constitution, giving it considerable influence in the new reconciliation council.

Qarase made clear the communal character of the bill when he first announced it on May 5. In a speech pitched to Speight’s supporters, he declared: “A significant section of Fijian opinion felt those charged and convicted had been acting in furtherance of their

traditional functional responsibility and a sense of duty to the community. They were seen to be responding to the cultural concept of the vanua (land)—the chiefs, the people and the land—as a cornerstone of Fijian society.”

Leading government ministers currently confront court proceedings. On June 2, as the bill went into its second reading, the trial commenced of transport minister Simione Kaitani, who is charged with unlawful assembly and taking an illegal oath. In 2000, Kaitani was sworn in as information minister in Speight’s so-called cabinet. Despite overwhelming evidence against Kaitani, he is unlikely to spend much time in prison.

On April 8, the Commissioner of Prisons released lands minister Ratu Naiqama Lalabalavu was convicted for his part in taking over a military barracks in Labasa. He was given “extramural punishment”—sweeping and raking the Cathedral Parish compound in central Suva. Naiqama is due to resume his parliamentary seat on September 13 after only serving 11 days of an eight-month sentence.

The Qarase government is under significant international pressure over the legislation. On June 10, New Zealand foreign affairs minister Phil Goff publicly opposed the bill. The following day, in comments to the *Fiji Times*, US ambassador David Lyon bluntly warned: “I feel strongly enough about this to have cast aside some of the diplomat’s accustomed discretion to call this coup-mongering a threat to Fiji, a danger to democracy.”

Neither Goff nor Lyon is concerned about democracy as such. Rather they fear that amnesties for Speight and his fellow conspirators will only encourage future coup attempts, particularly under conditions of deepening social and economic crisis in Fiji, and thus compromise the economic and strategic interests of the major powers in the Pacific.



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