



MEDIA RELEASE

BAINIMARAMA THE REAL FUGITIVE FROM JUSTICE

The leader of the current Fiji regime has frequently labelled Lieutenant Colonel Ratu Tevita Mara, formerly one of his right hand men, and who left Fiji last year upon being threatened by Bainimarama, as a **fugitive from justice**, on account of his not returning to Fiji to face Bainimarama's version of justice.

There is of course no question of Ratu Mara being a fugitive from justice because under Bainimarama there is no justice, and indeed no Rule of Law, as noted in the New Zealand Herald of Monday March 5th 2012 at page A6.

In accusing Ratu Mara of being a fugitive from justice, Bainimarama is the pot calling the kettle black.

It is Bainimarama who is the most conspicuous refugee from justice in the South Pacific. His taking of that refuge caused him to stage the Fiji coup of 2006. His preservation of that refuge is what has led him to impose a military dictatorship on Fiji. It is what will cause him to ensure that his refuge is not disturbed by any occurrence such as a free and fair election. His maintenance of that refuge continues to blight every aspect of life in Fiji.

The fact that Bainimarama is a refugee from justice also involves that all his stated pretexts for the coup mounted by him, and the continuation of military dictatorship, are false. His initial statement that he staged the coup to counter corruption is false. His later statement that he staged the coup to change the Constitution is false. All his public statements as to his motivations in taking and holding power are false.

Bainimarama is simply a criminal on the run. The sooner his run is brought to a halt, the better.

It is necessary to review the extent of Bainimarama's criminality in two stages:

Firstly, to show what charges Bainimarama faced immediately before his coup in 2006, which prompted him to mount the coup;

Secondly, to show what additional charges will have accrued against him since his staging the coup.

As to charges pending immediately before the 2006 coup, the following apply:

INVESTIGATION AGAINST COMMANDER FIJI MILITARY FORCES

A letter dated 18th April, 2005 was retrieved from the Minister for Home Affairs, addressed to Commander Fiji Military Forces, **directing him not to make public pronouncements regarding issues affecting National Security, Public Safety and Public Order without prior express consultation with him.**

This letter was copied to the Acting President of Fiji at that time, Ratu Joni Madraiwiwi, Hon. Prime Minister, Laisenia Qarase and Hon. Qoriniasi Bale, the Attorney General and Minister for Justice.

This directive had been disregarded by the Commander Fiji Military Forces from that time until today. This formed the basis of police investigation into the allegation of Disobedience of Lawful Order against the Commander Fiji Military Forces.

The disobedience of the Commander Fiji Military Forces is clearly illustrated in his responses to the said directive from the Minister for Home Affairs via his letter dated 19th April 2005 to the Minister for Home Affairs, claiming that he cannot accept the ministerial executive command of the Royal Fiji Military Forces over his ability to issue public statements on National Security and Public Order. He based his argument that neither the Constitution nor the Army Act empowers the Minister to exert control over the Commander on such matters.

On the information contained on the documents obtained from the Ministry of Home Affairs, Office of the President and the Prime Minister's office, confirmed the following –

- i) That the Office of the President was advised by the Minister for Home Affairs about the conduct of the Commander Fiji Military Forces in disobeying the Minister for Home Affairs's directive and continued to make public statements against the Reconciliation, Tolerance and Unity Bill;
- ii) That the Office of the President did communicate with the Commander Fiji Military Forces on the concerns of the Minister for Home Affairs, but opted that the matter be left in abeyance for a while with the excuse that any move against the Commander Fiji Military Forces would create instability and uncertainty for the nation;

The Office of the President continued to maintain its stand until the 10th of January 2006 when the Office of the President decided to meet with the Minister for Home Affairs, the Prime Minister and the Commander Fiji Military Forces for the purpose of resolving their differences. We believe that the move by the President's Office to facilitate the meeting came about after the Minister for Home Affairs lodged an official complaint to the Commissioner of Police on 9th January 2006. The meeting actually took place between the Minister for Home Affairs, the Prime Minister and the Acting President on 13th January 2006, and subsequent to this, the Commander Fiji Military Forces and the Prime Minister on 16th of January 2006. It was agreed in this meeting for the Commander Fiji Military Forces

to come through the proper channel before making public statements on matters relating to National Security and Public Order.

- iii) Despite of the above agreements, the Commander Fiji Military Forces continued to make public statements without consulting and obtaining the clearance from the Minister for Home Affairs.

The media releases made by the Commander Fiji Military Forces as from January to the end of June 2006 cannot be addressed in terms of instituting the criminal charge against the Commander Fiji Military Forces for **Disobedience of Lawful Order contrary to section 144 of the Penal Code Cap 17** since the law requires the prosecution of such act within six (6) months from the date of commission of the offence.

The information on hand confirms that at no stage, the Minister for Home Affairs withdrew his directive for the Commander Fiji Military Forces allowing him to make public statements on his own without obtaining clearance from his ministry.

As for the **Sedition charge**, we have collected statements from individuals supporting the charge against CRFMF.

All of the above have given statements that will substantiate the above charge. However, further evidence from other non government organizations and individuals who raised their concern through the daily newspapers.

At the same time, building of evidence against the Commander Fiji Military Forces for the possible charge of Treason is ongoing.

Respectfully submitted.

(Name & rank withheld)

26th October 2006

PRESS RELEASE

Assistant Commissioner of Police/Crime & Intelligence

THE POLICE INVESTIGATIONS INTO THE ALLEGATIONS AGAINST THE COMMANDER FIJI MILITARY FORCES HAS TAKEN 28 DAYS WITH EFFECT FROM THE 24TH OF OCTOBER 2006. THE ALLEGATIONS CONSIST OF THE FOLLOWINGS –

- i) ***DISOBEDIENCE OF LAWFUL ORDER;***
- ii) ***SEDITIONOUS CONTENTS OF PUBLIC STATEMENTS BY FRANK BAINIMARAMA;***
- iii) ***UNLAWFUL REMOVAL OF CONTAINER OF AMMUNITIONS FROM THE SUVA KINGS WHARF;***
- iv) ***ALLEGED PLOT TO OVERTHROW THE GOVERNMENT BY THE COMMANDER FIJI MILITARY FORCES;***
- v) ***UNLAWFUL OBTAINING OF APPROVAL FROM HIS EXCELLENCY THE PRESIDENT OF THE REPUBLIC OF THE FIJI ISLANDS TO ABORT THE COMMISSION OF INQUIRY AGAINST THE COMMANDER FIJI MILITARY FORCES;***
- vi) ***INVESTIGATION INTO THE DEATH OF CRW SOLDIERS WHO WERE ALLEGEDLY MURDERED AT THE QUEEN ELIZABETH BARRACKS DURING THE MUTINY ON THE 2ND NOVEMBER 2000;***
- vii) ***ALLEGED ABUSE OF OFFICE BY SENIOR MILITARY OFFICERS IN APPROVING PAYMENTS THROUGH LPO'S BEYOND THEIR AUTHORISED LIMITS.***

THE POLICE HAVE EXTENDED A WRITTEN INVITATION TO **FOUR** SENIOR MILITARY OFFICERS INCLUDING THE COMMANDER TO BE INTERVIEWED IN REGARDS TO THE ABOVE ALLEGATIONS.

THE COMMANDER FIJI MILITARY FORCES WAS SCHEDULED TO BE INTERVIEWED ON WEDNESDAY 22/11/06 AT 1100HRS, UNFORTUNATELY, HE LEFT THE COUNTRY FOR NEW ZEALAND ON PERSONAL MATTERS. THE REST OF THE SENIOR MILITARY OFFICERS ARE SCHEDULED TO BE INTERVIEWED AS FROM TOMORROW, THURSDAY 23/11/06 AND IS EXPECTED TO BE COMPLETED BY MONDAY 27/11/06.

THEY HAVE BEEN **ASSURED** THAT THEIR CONSTITUTIONAL RIGHTS IN REGARDS TO LEGAL REPRESENTATIONS WILL BE ACCOMMODATED AT ALL TIMES UNTIL THE INTERVIEW PROCESSES ARE COMPLETED.

THE INVESTIGATION UNDERTAKEN BY THE POLICE IS NOT AGAINST THE INSTITUTION, BUT AGAINST THOSE INDIVIDUALS WHO HAVE CHOSEN TO TAKE THIS PATH AND BREAK THE LAW IN THE PROCESS. IT IS IMPORTANT TO NOTE THAT THE POLICE HAVE UNSUCCESSFULLY TRIED TO COMPLETE THE INVESTIGATIONS INTO THE DEATH OF THE CRW SOLDIERS SINCE 2000, DUE TO THE DIFFICULTIES FACED BY THE INVESTIGATORS IN SECURING THE COOPERATION OF THE MILITARY.

THE PUBLIC SHOULD BE INFORMED THAT THERE IS **NO PERSONAL ANIMOSITY BETWEEN THE POLICE AND THE MILITARY OR IT'S COMMANDER**, BUT, PURELY UNDERTAKING IT'S ROLE AS ENSHRINED IN THE 1997 CONSTITUTION, THAT IS THE MAINTENANCE OF LAW AND ORDER, DETECTION AND PREVENTION OF CRIME, PRESERVATION OF PEACE, PROTECTION OF LIFE AND PROPERTY AND PUBLIC SAFETY.

INVESTIGATION

STRATEGY

INVESTIGATION AGAINST FMF COMMANDER, FRANK BAINIMARAMA

1. Introduction

Commodore Frank Bainimarama has been protesting against all the efforts made by the Government in their proposal to table the Reconciliation Bill in Parliament.

His outburst came out in the media, which raises concern to the Minister of Home Affairs and the Prime Minister's office.

Following this, the Commander disregarded the advice from the government, but continues to make press releases in his protest against the **amnesty provisions** in the Reconciliation Bill. The news release that he made, to a certain degree contain threat of possibility that he would take over Government. This escalated when the Government came up again with proposal on the "Qoliqoli Bill". The recent outburst that he made in protest against the "Qoliqoli Bill" was the so called **3 weeks ultimatum** he gave to government to reconsider its stand and **calling for the Prime Minister to resign**.

The purposes of this investigation are as follows –

To collect and compile evidence relating to the criminal involvement of Commodore Frank Bainimarama for –

a) Disobedience of Lawful Order

The allegation is that Commodore Frank Bainimarama was ordered by the Minister of Home Affairs, the Prime Minister's office and the Office of the President to stop making media releases and to refer all military grievances against government policies on any matter through the proper channel, i.e. Minister of Home Affairs.

- To trace all written instructions given by the Minister of Home Affairs, Prime Minister's office and the office of the President to Commodore Frank Bainimarama,
- To Determine the nature of instructions given and by whom,
- To determine when, where and why the instructions were given.

b) Sedition

The allegation is that the media release made by Frank Bainimarama contain threat against the Minister of Home Affairs and the Prime Minister's office which could amount to Sedition.

To collate evidence from the members of the public and non governmental organizations that will substantiate the seditious conduct of Commodore Frank Bainimarama.

- ### **c) To compile Police Investigation Files** on the above allegations; Disobedience of Lawful Order and Sedition for the Police submission to the

Security Council for them to deliberate and decide the next course of action to be undertaken.

d) Treason

It is alleged that Frank Bainimarama when protesting against the Government on the above mentioned Bills, took some steps in plotting to overthrow the Government which could amount to Treason.

e) The team will continue to collect and compile evidence that will substantiate the criminal involvement of Commodore Frank Bainimarama for committing the offence of Treason. Upon completion, the file will be sent to DPP's office.

2. Possible Offences

- a) Treason – 50 of Act 17
- b) Sedition – Section 65, 66 Cap 17
- c) Disobedience of Lawful Order – 144 Cap 17

3. Pending Cases

- a) Removal of Late President – Ratu K.K.T. Mara
- b) Abrogation of Constitution
- c) CRW Murder Investigation
- d) Minister for Home Affairs – Disobedience
- e) Army Fraud

4. Action Required

- a) Legal Advice – Force Legal
- b) Doctrine of Necessity Ruling – (*RS vs Chandrika*)

5. Avenue of Enquiries – Statement

- 1. All Provincial Councils
- 2. Hotel Associations
- 3. All NGOs
- 4. Media Association TV, FT, FS, DP, Footages/Interviews –
 - a) Fiji TV
Latest footage(s) – unedited
 - b) Fiji Times
 - c) Fiji Sun
 - d) Daily Post
- 5. Leader of Opposition
- 6. Editor's Column/Commander's Outburst
- 7. Churches

8. CEO/Home Affairs
9. Bill Gavoka – FVB
10. Letter of Appointment
11. All Press Release by Commander FMF unedited
12. Head of SABBA
13. Sugar Industry
14. Laywer's