

WRITTEN QUESTION E-3133/09

by Marco Cappato (ALDE) and Marco Pannella (ALDE)
to the Commission

Subject: Abrogation of Fiji's 1997 Constitution

On Friday, 10 April 2009, Fiji's President Ratu Josefa Iloilo announced his decision to abrogate Fiji's 1997 Constitution, to dismiss all magistrates, judges and other judicial officers, to assume executive power and to delay elections until 2014. President Iloilo's actions were prompted by an Appeal Court ruling of the previous day which found that the existing Fijian Interim Administration led by Commodore Frank Bainimarama had governed illegally since coming to power in a military coup in 2006. The Court ruled that the Interim Administration should be replaced immediately and that elections should be held promptly. On 11 April 2009, President Iloilo reappointed Commodore Bainimarama as Prime Minister and declared a 30-day state of emergency, implementing emergency regulations that limit freedom of speech, curb media reporting, expand police powers and give soldiers immunity from prosecution for using armed force to break up processions, meetings or assemblies. Since the imposition of the state of emergency, Fiji's military government has expelled three foreign journalists, detained without charge several Fijian residents, including the President of Fiji's Law Society, and placed officers in every newsroom to monitor what is being published.

Can the Commission state:

1. whether it considers that these actions jeopardise the Fijian Interim Administration's credibility to fulfil its obligations under Article 9 of the ACP-EC Cotonou Agreement, concerning respect for human rights, democratic principles and the rule of law,
2. what action it has taken and/or will take in order to urge the Interim Administration of Fiji to ensure the earliest possible restoration of respect for human rights and the rule of law and to abide by its previous commitments to holding free and fair parliamentary elections before the end of 2009,
3. what action it has taken and/or will take to urge the Interim Administration to end censorship of news media, to cease harassment of lawyers and other human rights defenders, and to release or bring credible charges against those who have already been detained?