



Welcome to the Legal Network Newsletter, May 2010 Edition. Amnesty International's Legal Network is a group of people who have an interest in human rights law to help defend human rights, especially those of human rights lawyers.

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EDITORIAL

Human Rights Crisis In Fiji: Why You Should Care?

Picture a country which is run by a military dictator, where citizens can't vote, there is no rule of law, the media is muzzled, human rights defenders are persecuted and 45% of people live below the poverty line. Sounds like some far away country, right? This situation is actually happening in our own neighbourhood - Fiji. While many Kiwis think of Fiji as a tropical holiday paradise, tourist brochures don't reveal the serious human rights abuses that are occurring. In December 2006, armed forces commander Commodore Voreqe (Frank) Bainimarama, overthrew the democratically elected government led by Laisenia Qarase. After Fiji's Court of Appeal ruled in April 2009 that the military coup was unconstitutional, the interim government abrogated the Constitution, imposed a state of emergency and began to rule by decree.



Numerous human rights violations have occurred in Fiji since the military coup. First, Fijian citizens are being denied the right to elect the government of their choice. Commodore Bainimarama has said that elections will be held in September 2014, although there are no guarantees this will actually happen. Even if this timeframe is kept, this means Fijians will have been subjected to eight years of military rule.



Fijians are also being denied the right to an independent and impartial judiciary. The military regime dismissed the entire judiciary in April 2009 and has installed magistrates and judges who are pro-regime.

Fiji has refused to allow a visit from the International Bar Association to investigate the issue of judicial independence.

There have been numerous violations of the rights to freedom of expression and association. Military officers are posted in newsrooms to censor any news items they perceive as negative and foreign journalists and publishers have been deported for questioning the military regime. Blogs which are critical of the regime have been blocked. The military regime has recently proposed a Media Decree, which would effectively entrench this censorship. Permits are required to hold public meetings and activities – which prevents political activity the military regime disagrees with.

Fijians are being denied the right to life, liberty and security of person. Human rights defenders have experienced harassment and intimidation from the military, including surveillance, threats, deportation, trumped-up legal charges and break-ins. Over 1000 people have been subjected to detention or arbitrary arrest by the military, including religious and political leaders, human rights activists, journalists and lawyers. There are reports of torture and ill-treatment by police officers and soldiers and at least four people have died in custody.

The military regime has also tried to ensure they can't be held accountable for their actions. The Public Emergency Regulations give police and military immunity from prosecution if they harm or kill someone in the course of "maintaining public safety." The recent Limitation of Liability for Prescribed Political Events Decree purports to give the military regime "absolute and unconditional immunity" from civil and criminal liability in relation to the coup.

Without a democratically elected government, an independent judiciary, a free press or the ability to freely participate in public life, Fijians have few domestic avenues for seeking redress. It is therefore essential that the international community speaks out about human rights abuses in Fiji and supports the work of Fijian human rights activists and lawyers.

What can you do?

- Increase awareness of the Fiji situation in your community – many Kiwis aren't aware of the extent of human rights violations in Fiji.
- Challenge people who justify the military takeover on the basis of alleged poor performance of previous elected governments. There is no such thing as a "good coup." Fijians have the same right to democracy and rule of law that New Zealanders enjoy.
- Write to your MP and urge the New Zealand Government to maintain its strong stance on Fiji while continuing humanitarian and development assistance.
- Speak out against New Zealand lawyers who take positions in the Fiji judiciary.
- Encourage New Zealand organisations and professional associations to condemn human rights abuses in Fiji.
- Be aware of these issues if you are holidaying in Fiji – there is a lot going on that tourists don't see or hear. There have also been reports of resort staff being harassed by the military for discussing the political situation with tourists.

To find out more about the human rights situation in Fiji, check out:

- Amnesty International's report, Fiji: Paradise Lost: <http://bit.ly/csNICg>
- Documents submitted for Fiji's Universal Periodic Review in 2010, particularly the summary of stakeholders' information: <http://bit.ly/aeNmfr>
- Fijian blogs such as: <http://coupfourpointfive.blogspot.com/>
- Ministry of Foreign Affairs and Trade FAQs on Fiji: <http://bit.ly/bQBXhe>

- Jenny Ryan

Jenny Ryan is a New Zealand human rights lawyer and Amnesty International member. She lived in Fiji

from June 2009 to April 2010.

The views expressed in this editorial may not necessarily represent the views of Amnesty International or Amnesty International Aotearoa New Zealand.

Amnesty encourages editorial submissions. If you would like to submit an editorial for the Legal Network Newsletter, please contact Chris Kerr at chris.kerr@amnesty.org.nz

LATEST NEWS

Freedom Week Appeal



Amnesty's annual street appeal Freedom Week takes place during the first week in August with the main collections taking place across the country on Friday 6th & Saturday 7th. This year we're going to be out on the street telling everyone how much we love human rights.

Here in New Zealand we take many freedoms for granted. I'm sure you're all well aware that in some countries human rights lawyers suffer harassment, have their businesses closed and in extreme cases can be disappeared simply for trying to defend human rights.

During Freedom Week we all need to do our bit and lawyers are no different. We're currently looking for people to donate a few hours of their time to take to the street and collect on either Friday 6th or Saturday 7th August and if you can spare the time to do that please let us know. You can register online at www.freedomweek.org.nz.

If however you're just too busy to donate some time you can still get involved in Freedom Week. Maybe you could organise a collection in your workplace or hold another fundraising event – have a dress down day in the office, hold a raffle or ask everyone at work to donate the money they'd normally spend on morning tea/coffee to Amnesty International. Use the freedom you have to show that you ♥ Human Rights.

If you would like to know more about Freedom week you can visit the website or if you have any questions please contact mo.farrell@amnesty.org.nz

Amnesty International releases report on the state of the world's human rights

Amnesty International Report 2010, launched today, documents the state of human rights across 159 countries in 2009. It details a year in which – although important gains were made – accountability and effective justice seemed a remote ideal for many, as people's lives continued to be torn apart by repression, violence, discrimination, power plays and political stalemates.

Amnesty is calling on governments to ensure justice for all human rights crimes – to bring truth and justice to those who have suffered violations, and to deter future abuses by demonstrating no one is above the law. In particular, we are appealing to all governments to sign up to the International Criminal Court and to make sure that the Millennium Development Goals turn from political aspirations into legally enforceable rights.

An electronic version of the report can be found here: <http://www.thereport.amnesty.org>

The Amnesty office will have loan copies of *Amnesty International Report 2010*, please contact Media Co-ordinator Pui-yi Cheng on media@amnesty.org.nz if you would like to borrow one.

New Zealand's support for Indigenous Rights comes at long last

Amnesty has welcomed New Zealand's recent, yet long overdue, decision to endorse the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Amnesty has campaigned consistently for New Zealand to support the Declaration, which now reaffirms this country's commitment to advancing the human rights of Indigenous peoples.



The Declaration provides a much needed elaboration of human rights standards necessary to ensure the survival, dignity and well-being of Indigenous peoples, who too often are forced to live in poverty, discrimination, marginalisation and oppression.

Critically, the Declaration does not create any new human rights, simply facilitating an improved understanding and realisation of the existing inherent human rights of Indigenous peoples. To read more on New Zealand's endorsement of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), click here: <http://bit.ly/amH0PI>

Seabed and Foreshore Submission

Amnesty has also made a submission on the Foreshore and Seabed Act 2004 Consultation Document. To view Amnesty's submission, click here: <http://bit.ly/cb2jRa>

Privatisation of prisons: New Zealand cannot contract out of human rights

Privatising prisons significantly reduces the Government's ability to fulfill its responsibility to ensure prisoners' human rights are protected - a responsibility it cannot contract out of.



Societies are judged by the way they protect their most marginalised and vulnerable people, including prisoners. If the New Zealand Government does not guarantee the human rights of all New Zealanders, including prisoners, it is undermining the very core of the justice system – the rule of law.

Amnesty International Aotearoa New Zealand presented a submission to the New Zealand Government both on the Corrections (Contract Management of Prisons) Amendment Bill 2009 and on the International Covenant on Civil and Political Rights, outlining its concerns.

To read Amnesty's submissions, click here: <http://bit.ly/b6j9vf>

China: Yet another blow to the rule of law

Amnesty condemns the Beijing Municipal Justice Bureau's decision to revoke the professional licence of two lawyers, Liu Wei and Tang Jitian following an administrative hearing on 22 April. The decision represents yet another significant erosion of both human rights and the rule of law in China.



Liu and Tang had testified that the court judge repeatedly interrupted and attempted to intimidate the defence team. During the administrative hearing Teng Biao, also a lawyer, defended Liu and Tang by saying that they were simply doing their job by putting forward a defence statement for their clients.

Among the more than 160,000 lawyers in China, only a small proportion is willing to take the risk of representing victims of human rights violations. These lawyers constitute an important part of the weiquan ('rights defense') movement, which is using Chinese law to protect rights of individuals.

To read more on the intimidation of Chinese defence attorney's, click here: <http://bit.ly/a0ZISK>

Crimes against humanity don't go unpunished in Argentina

Amnesty has welcomed the prison sentence handed to a former Argentine president responsible for crimes against humanity in the 1970s. Reynaldo Bignone, a former military general, was found guilty of torture, murder and several kidnappings that occurred while he was commander of the notorious Campo de Mayo detention centre between 1976 and 1978.

The 82-year-old, who was appointed de facto president of Argentina by the military junta in 1982, has been sentenced to 25 years in jail. Five other military officers were also given long jail sentences by a court in the Buenos Aires province.

"This judgement represents another important step in the fight against impunity that has, until recently, been enjoyed by the leaders of Argentina's military regime - now infamous for their role in human rights abuses," said Guadalupe Marengo, Amnesty International's Americas Deputy Director.

To read more on Argentina's steps to end impunity for past human rights abuses, click here: <http://bit.ly/95oUni>

TAKE ACTION

USA: Abandon military commissions, end indefinite detention without criminal trial

Executive orders signed by President Barack Obama within days of his taking office in 2009 held out the promise of a break with the unlawful detention and interrogation policies introduced by the Bush administration. In one of the orders, President Obama ordered his administration to resolve the Guantánamo detentions and close the detention facility there within a year, and to obtain a suspension in military commission proceedings against detainees held at Guantánamo.

Not only has the year deadline for closure passed and no new deadline set, but military commission proceedings have resumed, and the administration appears set to continue the use of indefinite detention without criminal trial, whether or not it closes the Guantánamo detention facility. It is currently seeking congressional support for its plans.

To take action to urge the USA to abandon military commissions and end indefinite detention without criminal trial, click here: <http://bit.ly/bKLTUF>

Want to get more involved?

The Legal Network is looking for a few motivated law students or lecturers to be the network liaison for their respective law schools. Our goal is to have one representative from each of the law schools in New Zealand. If you are interested please contact Lisa Young at lisyong@gmail.com.

For more information about all our campaigns please visit [our website](#)

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