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GOVERNMENT OF THE REPUBLIC OF FIJI DECREE 33

GRANT OF AMNESTY FOR SURRENDER OF FIREARMS, EXPLOSIVES AND AMMUNITIONS DECREE 1988

In exercise of the powers vested in me as President and Commander-in-Chief of the Republic of Fiji, I hereby make the following Decree—

Short title

1. This Decree may be cited as the Grant of Amnesty for Surrender of Firearms, Explosives and Ammunitions Decree 1988.

Interpretation

2. In this Decree, unless the content otherwise requires—

“ammunition” means ammunition for any firearm as hereafter defined and includes grenades, bombs and other like missiles whether capable of use with such a firearm or not and any ammunition containing or designed or adapted to contain any noxious liquid, gas or other thing;

“explosives”—

- (a) means gunpowder, nitroglycerine, dynamite, gun-cotton, blasting powder, fulminate of mercury or of other metals, coloured fires and every other substance, whether similar to those abovementioned or not, used or manufactured with a view to producing a practical effect by explosion or a pyrotechnic effect;
- (b) includes fog-signals, fireworks, fuses, rockets, percussion caps, detonators, cartridges, ammunition of all descriptions and every adaptation or preparation of an explosive as above defined;
- (c) includes any substance declared to be deemed an explosive by notification in the Gazette under section 5 of the Arms and Explosives Act; and
- (d) includes any material for making any explosive and any apparatus, machine, implement or material used or intended to be used or adapted for causing or aiding in causing any explosion in or with any explosive, and any part of any such apparatus, machine or implement.

“firearms” means any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged or which can be adapted for the discharge of any such shot, bullet or other missile and any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing, and includes any component part of any such weapon as aforesaid.

Grant of amnesty for surrender of firearms, explosives and ammunitions

3. Any person illegally in possession, custody or control of any firearms, explosives or ammunitions and who voluntarily surrenders or discloses the existence or location of such items to the Security Forces between the 24th day of June 1988 to midnight on 23rd day of July 1988 at any of the collection points specified by the Minister responsible for internal security shall not be held to be criminally responsible for the offences relating to illegal possession, custody and control of the firearms, explosives and ammunitions so voluntarily surrendered or disclosed and any such person is hereby pardoned and absolved from any criminal responsibility in respect of such actions:

Extent of Amnesty

4.—(1) The amnesty granted under this Decree shall for the avoidance of any doubt extend only to cover any person who voluntarily surrenders any firearms, explosives and ammunitions illegally in that person's possession custody or control or discloses the existence or location of such items within the periods specified in section 3 of this Decree.

(2) The amnesty granted under this Decree shall not cover any person who on the date of coming into force of this Decree is already being charged under the provisions of any existing laws in Fiji in relation to conspiracy to instigate an invasion; conspiracy to import arms and ammunitions unlawfully into Fiji; unlawful possession of arms and ammunitions; concealing unlawfully imported arms and ammunitions or neglect to prevent a felony or any other charges in relation to unlawful shipment, possession, custody and control of firearms, explosives and ammunitions within Fiji.

Non-disclosure of identity of persons who surrendered firearms, explosives and ammunitions

5. The identity of any person who voluntarily surrendered any firearms, explosives or ammunitions illegally in his possession, custody or control or disclosed the existence or location of such items under the provisions of section 3 of this Decree shall not be disclosed publicly in any form whatsoever and it shall be unlawful to contravene the provision of this section.

Protection of persons who surrendered firearms, explosives and ammunitions

6. No person who voluntarily surrendered any firearms, explosives or ammunitions or disclosed the existence or location of such items under the provisions of section 3 of this Decree shall be victimised or suffer any disadvantages in the hands of the public or any members of the security forces by virtue of his coming forward to comply with the provisions of section 3 of this Decree and it shall be unlawful to contravene the provisions of this Section.

Offences under this Decree

7. Any person whether a member of the public or a member of the Security Forces who contravenes the provisions of sections 5 and 6 of this Decree shall be guilty of an offence and upon conviction shall be liable to a fine of a sum not exceeding four hundred dollars or to a term of imprisonment of not exceeding three months or to both such fine and term of imprisonment.

Coming into force

8. The provisions of this decree shall be deemed to have come into force on the 23rd day of June 1988.

Dated this 30th day of June 1988.

PENAIA K. GANILAU
President and Commander-in-Chief