



FIJI GOVERNMENT GAZETTE

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IMMUNITY DECREE 2000

DECREE NO. 18 OF 2000

WHEREAS as the result of the attempted illegal takeover of the Government of the Fiji Islands elected under the 1997 Constitution by Ilikini Naitini also known as George Speight [hereinafter referred to as George Speight] and his Group, a state of emergency was declared by the President with effect from 7.00 p.m. on Friday the 19th day of May, 2000;

AND WHEREAS the *Bose Levu Vakaturaga* having met in a special meeting over three days from the 23rd day of May, 2000 to the 25th day of May, 2000 to consider the state of emergency and the grave political unrest in the Fiji Islands, and passed ten resolutions in its endeavours to find a practical and lawful solution to the deepening national crisis;

AND WHEREAS the national crisis has caused and continues to cause serious adverse effect and implications on the national security and the people in relation to their daily lives and welfare including the national economy, the employment situation, the education system, public transport and national security and it is incumbent upon me to seek and adopt the best practical and lawful means available to me of averting a potentially catastrophic political situation;

AND WHEREAS having regard to the aforesaid resolutions by the *Bose Levu Vakaturaga* and the very precarious state of the nation, it is my sincere and firm belief that I shall be acting in the best and wider interests of preserving and maintaining law and order and returning our beloved country to normalcy;

NOW THEREFORE, given the immediate objectives of the Interim Military Government to secure the release of the hostages at the Parliament Complex and for the surrender and return of all weapons, ordnance and stores in the possession and control of George Speight and his Group; AND in exercise of the powers vested in me under section 9 of the Interim Civilian Government (Establishment) Decree No. 10 of 2000 and acting on the advice of the Cabinet, I hereby make the following Decree—

Short title and commencement

1. This Decree may be cited as the Immunity Decree 2000 and shall come into force on the 13th day of July, 2000.

Interpretation

2. In this Decree, unless the context otherwise requires "political offence" means an offence allegedly committed by any person or persons between the 19th day of May, 2000 and the 13th day of July, 2000 (both dates inclusive), such offence being either directly or indirectly prompted and motivated by the attempted illegal takeover of the Government on the 19th day of May, 2000 and the political developments during that period and including any offence, which has been subject of police complaint, which was prompted or motivated by the political developments during the relevant period.

Grant of Immunity

3.—(1) Notwithstanding Section 14(2) of the State Services Decree 2000 (No. 6 of 2000) George Speight the Leader of the Taukei Civilian Group, and members of his Group who took part in the unlawful takeover of the Government democratically elected under the 1997 Constitution on the 19th day of May, 2000 and the subsequent holding of the hostages until the 13th day of July, 2000 shall be immune from criminal prosecution under the Penal Code or the breach of any law of Fiji and civil liability in respect of any damage or injury to property or person connected with the unlawful seizure of Government powers, the unlawful detention of certain members of the House of Representatives and any other person and no court shall entertain any action or proceeding or make any decision or order, or grant any remedy or relief in any proceedings instituted against George Speight or any member of his Group.

(2) Subsection (1) also applies to any other person who acted under the directions, orders or instructions of George Speight or any member of the Taukei Civilian Government as a result of the unlawful seizure of Government powers and unlawful detention of the Prime Minister and certain Cabinet Ministers and Members of the House of Representatives and other persons.

(3) Subject to section (4), this Decree does not extend to any other person who committed an offence under any law within and outside the Parliament Complex between the 19th day of May, 2000 and the 13th day of July, 2000 in respect of any act done without the directions, orders or instructions of George Speight or any member of the Taukei Civilian Government.

(4) Any person who commits a political offence within the meaning of this Decree shall be immune from criminal prosecution under the Penal Code or the breach of any law of Fiji.

Miscellaneous

4.—(1) No compensation shall be payable by the State to any person in respect of any injury to person or damage to property caused by or consequent upon any conduct for which immunity has been granted under this Decree.

(2) This Decree shall not be amended or repealed by Parliament or any other Decree.

Made at Suva this 9th day of July 2000.

COMMODORE J. V. BAINIMARAMA
Commander and Head of Government
