



Australian Bar Association

The ABA expresses grave concern for the rule of law in Fiji

1 September 2009

The President of the Australian Bar Association (ABA), Mr Tom Bathurst QC said today:

"The ABA condemns in the strongest terms the latest attempts by the military government in Fiji to usurp the rule of law." Mr Bathurst said "It is deeply concerning to all those who respect and uphold the rule of law and fundamental democratic principles to hear that a certificate has been issued purporting to terminate the appeal in *Bainimarama v Qarase*, in which the Court of Appeal delivered judgment on 9 April 2009."

Mr Bathurst said that "The Court of Appeal in *Bainimarama v Qarase* held that the dismissal of Prime Minister Qarase and the other Ministers of his Government and the dissolution of Parliament was unlawful and in breach of the Fiji Constitution and the appointments of Commander Bainimarama as Prime Minister were not validly made."

Mr Bathurst said: "A government which has no constitutional or democratic legitimacy is now attempting to terminate proceedings by issuing a certificate under Section 23(3) of the Administration of Justice Decree 2009. The Decree, issued by Ratu J I Uluivuda, President and Commander in Chief of the Republic of the Fiji Military Forces grants sweeping and unprecedented powers to the Executive Government to terminate lawful proceedings before they are finally determined" Mr Bathurst said.

Mr Bathurst said that "The recent developments in Fiji will only cause greater concern in the minds of the people of Fiji and the International Community about the administration of justice in Fiji and the erosion of the rule of law."

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