



April 16, 2009

The Honourable Lawrence Cannon, P.C., M.P.  
Minister of Foreign Affairs  
125 Sussex Drive  
Ottawa, ON K1A 0G2

Dear Minister:

**Re: Deterioration of the Rule of Law in Fiji**

I write to you on behalf of the Canadian Bar Association (CBA). The CBA is a national association representing 38,000 jurists across Canada. We work to promote the Rule of Law and improve the administration of justice in Canada and around the world. In our February 2009 letter, we praised your efforts in pressing the Zimbabwe government to improve its record on human rights, the rule of law and democracy. Today, we call upon you to take steps to address the rapid deterioration of the rule of law in Fiji. We believe it is imperative that the Canadian government act now to help forestall a similar humanitarian crisis, which inevitably follows such deep disrespect for a country's laws and legal system.

Recently, Fiji's titular head of state, Ratu Josefa Iloilo assumed executive power, suspended the constitution, dismissed members of Fiji's judiciary, and unilaterally reappointed his military chief, Commodore Bainimarama, as prime minister for five years. This followed the unanimous ruling of the Fiji Court of Appeal that Bainimarama assumed power illegally in 2006 following a military coup.

We wholeheartedly support the April 13, 2009 statement of the Commonwealth Lawyers Association, attached, that calls upon the rulers of Fiji to immediately reinstate the constitution. In fact, since the Commonwealth Lawyers Association's statement, Fiji's rulers have further undermined democracy and the Rule of Law. We have received reports that foreign journalists have now been ordered to leave the country, and the Fiji military have arrested the president of Fiji's law society.



A healthy and prosperous society is dependent on the ability of the judiciary to rule impartially, in a manner consonant with the Rule of Law, even (or perhaps, especially) when it comes to the actions of the most powerful. It is also dependent on an independent legal profession, who help ensure that the citizenry's rights against the state are zealously defended. The circumstances in Fiji demonstrate that its people currently have the benefit of neither.

We call on you to immediately denounce Fiji for its actions and to take any other necessary measures to restore the Rule of Law in the country. The CBA stands behind you and is willing to provide any assistance you may require of us.

Yours truly,

*(Original signed by J. Guy Joubert)*

J. Guy Joubert

att. Commonwealth Lawyers Association statement, April 13, 2009

c. Ron Heinrich  
President, Commonwealth Lawyers Association

Dorsami Naidu  
President, Fiji Law Society



## **Statement of the Suspension of the Fiji Constitution and the Continued Deterioration of the Rule of Law**

The Commonwealth Lawyers Association (CLA) is a pan-Commonwealth professional association of lawyers dedicated to maintain and promote the rule of law throughout the Commonwealth.

The CLA strongly denounces the unlawful action of the Republic of Fiji's titular head of state Ratu Josefa Iloilo to suspend the Constitution, dismiss members of Fiji's judiciary and to reappoint his military chief, Commodore Frank Bainimarama, to the post of Prime Minister for a period of 5 years.

It is noted that Ratu Josefa Iloilo assumed executive power and acted only after a unanimous ruling of the Fiji Court of Appeal on 9 April 2009 that Commodore Bainimarama had come to power illegally through a coup in 2006 and that the judges of the Court of Appeal who fearlessly rendered that decision according to Fiji's law are amongst those (now) to have been removed from office.

It is further noted that the Court of Appeal's direction that a caretaker Prime Minister be appointed and that democratic elections take place as soon as possible, has been contemptuously ignored in the reappointment of Commodore Frank Bainimarama for a period of 5 years.

The CLA calls for the immediate reinstatement of the judiciary and for those that govern the Republic of Fiji to immediately abide by the unanimous ruling of the Fiji Court of Appeal on 9 April 2009, to dissolve the military backed civilian regime and return the country to democracy in accordance with the Court's judgment by which it is bound.

Further, the CLA calls upon the rulers of Fiji to immediately reinstate the Constitution.

The CLA further draws attention to the fact that these events follow a report by the International Bar Association (IBA) released in March 2009 which found that the rule of law in Fiji has been severely compromised by the actions of the government of Commodore Frank Bainimarama.

The CLA is concerned by reports of extensive media censorship and the suppression of information concerning recent events.

The CLA pledges that it will continue to support of efforts by the Fiji Law Society to maintain the independence of the judiciary and to promote democracy and the rule of law in Fiji.

*Executive Committee, Commonwealth Lawyers Association*  
13 April 2009