

LAWASIA STATEMENT

SEPARATION BETWEEN POLICE AND MILITARY - FIJI

LAWASIA, the Law Association for Asia and the Pacific, has noted the concern expressed by its member organisation, the Fiji Law Society, over recent developments that have seen the former Fiji Police Commissioner, Ben Groenewald, replaced through an interim appointment of military leader, Colonel Sitiveni Tukaituraga Qiliho, as the Acting Commissioner of the Fiji Police Force.

It has further noted views expressed by the former Police Commissioner indicating "military interference in peacetime operations".

While it is understood that the appointment of Colonel Qiliho as Acting Commissioner is a temporary measure, the appointment of a military officer rather than a police officer to this role raises understandable concerns of military having a role to play in operations of the police force.

This is opposed to the concept of separation between military and police, an essential safeguard for human freedoms and rights, as the purpose, objective, operational context and ethos of police as part of criminal justice system and investigation are very different from that of the military.

The United Nations recognises this separation as a cardinal principle by invariably placing the control of its peacekeeping forces under the control and command of a civil authority.

LAWASIA notes that whilst Fiji's Constitutional Officers Commission is empowered to recommend appointments to this position as it sees fit, care must be taken to ensure that the distinction between the role of the military as the defender of national security and the role of the police force as the country's principal law enforcement agency do not become confused, and at all times, that the police acts under the command of a civil authority.

It urges the Fiji authorities in resolving this issue finally to be mindful of this concept so that rule of law and rights of all Fijian citizens are protected by accountability and without interference into due process.



Prashant KUMAR (Mr)

PRESIDENT

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