

GRANT OF IMMUNITY FROM CRIMINAL PROSECUTIONS
AND CIVIL PROCEEDINGS TO MEMBERS OF
DISCIPLINED FORCE DECREE 1988

In exercise of the powers vested in me under section 25 of the Head of State and Executive Authority of Fiji Decree 1988, I as President and Commander-in-Chief of the Republic of Fiji hereby make the following Decree—

Short title

1. This Decree may be cited as the Grant of Immunity From Criminal Prosecutions and Civil Proceedings to Members of the Disciplined Force Decree 1988.

Interpretation

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

“disciplined force” means—

- (a) a naval, military or air force;
- (b) the Police Force;
- (c) the Fiji Prisons Service.

Immunity

3.—(1) All members of the disciplined force who participated on the morning of the 14th of May, 1987 in the forceful seizure of power at Parliament buildings are hereby granted immunity from criminal prosecutions and no criminal charges shall be brought against them in any court of law.

(2) All members of the disciplined force who participated on the morning of the 14th of May, 1987 in the forceful seizure of power at Parliament buildings are hereby granted immunity from any civil proceedings that may be brought against them as a result of claims arising either directly or indirectly from such forceful seizure of power on the 14th of May, 1987 and no such claims shall be entertained in any court of law.

(3) Notwithstanding the provisions of sub-sections (1) and (2) of this section all members of the disciplined force who participated and assisted in the Military exercise of the 14th of May, 1987 and subsequently upto the 5th of December, 1987 for the purpose of keeping law and order and in support of the Fiji Military Government are hereby granted immunity from criminal prosecutions and no criminal charges shall be brought against them in any court of law.

(4) Subject to subsection (3) of this section all members of the disciplined force aforesaid are hereby granted immunity from civil proceedings that may be brought against them as a result of claims arising either directly or indirectly from their actions from the 14th of May, 1987 up to the 5th of December, 1987 and no such claims shall be entertained in any court of law.

(5) For the avoidance of any doubt all members of the disciplined force who have been in active service in Fiji from the 14th day of May, 1987 to the 5th day of December, 1987 whether on full time or part time basis are hereby granted immunity from both criminal prosecutions and civil proceedings in relation to the performance of services within the requirements of the disciplined force.

Dated this 13th day of January, 1988.

PENAIA K. GANILAU
President and Commander-in-Chief