

IN THE HIGH COURT OF FIJI
AT LAUTOKA
CRIMINAL JURISDICTION

Criminal Case No.: HAC 140 of 2015

STATE

V

1. **RATU INOKE TASERE**
2. **JIMI KOROIBETE**
3. **SERU KUNALAGI**
4. **ADI CUVU GAVIDI ATAMA**
5. **ULAIASI RABUA TUIVOMO**
6. **PENIASI NAQAU**
7. **SEMI TANIKILI**
8. **RATU OSEA BOLAWAQATABU**
9. **RATU TEVITA K MAKUTU**
10. **MOSESE NAVACI**
11. **ERONI RIKORIKO**
12. **ALIFERETI NAKUINIVOU**
13. **ALIFERETI GONEWAI**
14. **JORAMA RATULEVU**

Counsel : Mr. L. J. Burney and Mr. S. Babitu for the State.
: Mr. A. R. Singh for the 1st to 3rd, 5th, 7th to
14th Accused.
Ms. S. Kunatuba for the 4th Accused.
Mr. F. Vosarogo for the 6th Accused.

Date of Ruling : 20th October, 2017

RULING
NO CASE TO ANSWER APPLICATION

[1] At the conclusion of the prosecution case all the counsel for the accused persons made an application for no case to answer in terms of section 231 (1) of the Criminal Procedure Act. The relevant section states:

“When the evidence of the witnesses for the prosecution has been concluded, and after hearing (if necessary) any arguments which the prosecution or the defence may desire to submit, the court shall record a finding of not guilty if it considers that there is no evidence that the accused person (or anyone of several accused) committed the offence.”

[2] In respect of the phrase “no evidence” mentioned in section 231 (1) of the Criminal Procedure Act Goundar J. in *State v Ratu Inoke Takiveikata* criminal case no. HAC 5 of 2004 (28 February, 2011) at paragraph 3 said:

“The phrase ‘no evidence’ has been interpreted to mean that there is no evidence on an essential element of the charged offence (Sisa Kalisoqo v State, Criminal Appeal No. 52 of 1984). If there is some evidence on the essential elements of the charged offence the application for a no case to answer cannot succeed. The credibility, reliability and weight are matters for the assessors and not for the trial judge to consider at a no case to answer stage”

[3] The Director of Public Prosecutions preferred the following amended information against all the 14 accused persons as follows:

COUNT ONE

Statement of Offence

SEDITION: Contrary to Section 67 (1) (a) of the Crimes Act 2009.

Particulars of Offence

RATU INOKE TASERE, on the 4th day of November, 2014, at Sigatoka in the Western Division, did sign a document headed “NADROGA-NAVOSA SOVEREIGN CHRISTIAN STATE-Provisional Institutions of Self-Government” with a seditious intention to raise discontent or disaffection amongst the inhabitants of Fiji.

COUNT TWO

Statement of Offence

SEDITION: Contrary to Section 67 (1) (a) of the Crimes Act 2009.

Particulars of Offence

RATU INOKE TASERE, on the 4th day of November, 2014, at Sigatoka in the Western Division, did an act with a seditious intention, namely took an oath to serve as a Cabinet Minister for the entity “NADROGA-NAVOSA SOVEREIGN CHRISTIAN STATE” with a seditious intention of bringing into hatred or contempt or to excite disaffection against the Government of Fiji as by law established.

COUNT THREE

Statement of Offence

SEDITION: Contrary to Section 67 (1) (a) of the Crimes Act 2009.

Particulars of Offence

JIMI KOROIBETE, on the 4th day of November, 2014, at Sigatoka in the Western Division, did sign a document headed “NADROGA-NAVOSA SOVEREIGN CHRISTIAN STATE-Provisional Institutions of Self-Government” with a seditious intention to raise discontent or disaffection amongst the inhabitants of Fiji.

COUNT FOUR

Statement of Offence

SEDITION: Contrary to Section 67 (1) (a) of the Crimes Act 2009.

Particulars of Offence

JIMI KOROIBETE, on the 4th day of November, 2014, at Sigatoka in the Western Division, did an act with a seditious intention, namely took an oath to serve as a Cabinet Minister for the entity “NADROGA-NAVOSA SOVEREIGN CHRISTIAN STATE” with a seditious intention of bringing into hatred or contempt or to excite disaffection against the Government of Fiji as by law established.

COUNT FIVE

Statement of Offence

SEDITION: Contrary to Section 67 (1) (a) of the Crimes Act 2009.

Particulars of Offence

SERU KUNALAGI, on the 4th day of November, 2014, at Sigatoka in the Western Division, did sign a document headed “NADROGA-NAVOSA SOVEREIGN CHRISTIAN STATE-Provisional Institutions of Self-Government” with a seditious intention to raise discontent or disaffection amongst the inhabitants of Fiji.

COUNT SIX

Statement of Offence

SEDITION: Contrary to Section 67 (1) (a) of the Crimes Act 2009.

Particulars of Offence

SERU KUNALAGI, on the 4th day of November, 2014, at Sigatoka in the Western Division, did an act with a seditious intention, namely took an oath to serve as a Cabinet Minister for the entity “NADROGA-NAVOSA SOVEREIGN CHRISTIAN STATE” with a seditious intention of bringing into hatred or contempt or to excite disaffection against the Government of Fiji as by law established.

COUNT SEVEN

Statement of Offence

SEDITION: Contrary to Section 67 (1) (a) of the Crimes Act 2009.

Particulars of Offence

ADI CUVU GAVIDI ATAMA, on the 4th day of November, 2014, at Sigatoka in the Western Division, did sign a document headed “NADROGA-NAVOSA SOVEREIGN CHRISTIAN STATE-Provisional Institutions of Self-Government” with a seditious intention to raise discontent or disaffection amongst the inhabitants of Fiji.

COUNT EIGHT

Statement of Offence

SEDITION: Contrary to Section 67 (1) (a) of the Crimes Act 2009.

Particulars of Offence

ADI CUVU GAVIDI ATAMA, on the 4th day of November, 2014, at Sigatoka in the Western Division, did an act with a seditious intention, namely took an oath to serve as a Cabinet Minister for the entity “NADROGA-NAVOSA SOVEREIGN CHRISTIAN STATE” with a seditious intention of bringing into hatred or contempt or to excite disaffection against the Government of Fiji as by law established.

COUNT NINE

Statement of Offence

SEDITION: Contrary to Section 67 (1) (a) of the Crimes Act 2009.

Particulars of Offence

ULAIASI RABUA TUIVOMO, on the 4th day of November, 2014, at Sigatoka in the Western Division, did sign a document headed “NADROGA-NAVOSA SOVEREIGN CHRISTIAN STATE-Provisional Institutions of Self-Government” with a seditious intention to raise discontent or disaffection amongst the inhabitants of Fiji.

COUNT TEN

Statement of Offence

SEDITION: Contrary to Section 67 (1) (a) of the Crimes Act 2009.

Particulars of Offence

ULAIASI RABUA TUIVONO, on the 4th day of November, 2014, at Sigatoka in the Western Division, did an act with a seditious intention, namely took an oath to serve as a Cabinet Minister for the entity “NADROGA-NAVOSA SOVEREIGN CHRISTIAN STATE” with a seditious intention of bringing into hatred or contempt or to excite disaffection against the Government of Fiji as by law established.

COUNT ELEVEN

Statement of Offence

SEDITION: Contrary to Section 67 (1) (a) of the Crimes Act 2009.

Particulars of Offence

PENIASI NAQAU, on the 4th day of November, 2014, at Sigatoka in the Western Division, did sign a document headed “NADROGA-NAVOSA SOVEREIGN CHRISTIAN STATE-Provisional Institutions of Self-Government” with a seditious intention to raise discontent or disaffection amongst the inhabitants of Fiji.

COUNT TWELVE

Statement of Offence

SEDITION: Contrary to Section 67 (1) (a) of the Crimes Act 2009.

Particulars of Offence

PENIASI NAQAU, on the 4th day of November, 2014, at Sigatoka in the Western Division, did an act with a seditious intention, namely took an oath to serve as a Cabinet Minister for the entity “NADROGA-NAVOSA SOVEREIGN CHRISTIAN STATE” with a seditious intention of bringing into hatred or contempt or to excite disaffection against the Government of Fiji as by law established.

COUNT THIRTEEN

Statement of Offence

SEDITION: Contrary to Section 67 (1) (a) of the Crimes Act 2009.

Particulars of Offence

SEMI TANIKILI, on the 4th day of November, 2014, at Sigatoka in the Western Division, did sign a document headed “NADROGA-NAVOSA SOVEREIGN CHRISTIAN STATE-Provisional Institutions of Self-Government” with a seditious intention to raise discontent or disaffection amongst the inhabitants of Fiji.

COUNT FOURTEEN

Statement of Offence

SEDITION: Contrary to Section 67 (1) (a) of the Crimes Act 2009.

Particulars of Offence

SEMI TANIKILI, on the 4th day of November, 2014, at Sigatoka in the Western Division, did an act with a seditious intention, namely took an oath to serve as a Cabinet Minister for the entity “NADROGA-NAVOSA SOVEREIGN CHRISTIAN STATE” with a seditious intention of bringing into hatred or contempt or to excite disaffection against the Government of Fiji as by law established.

COUNT FIFTEEN

Statement of Offence

SEDITION: Contrary to Section 67 (1) (a) of the Crimes Act 2009.

Particulars of Offence

RATU OSEA BOLAWAQATABU, on the 4th day of November, 2014, at Sigatoka in the Western Division, did sign a document headed “NADROGA-NAVOSA SOVEREIGN CHRISTIAN STATE-Provisional Institutions of Self-Government” with a seditious intention to raise discontent or disaffection amongst the inhabitants of Fiji.

COUNT SIXTEEN

Statement of Offence

SEDITION: Contrary to Section 67 (1) (a) of the Crimes Act 2009.

Particulars of Offence

RATU OSEA BOLAWAQATABU, on the 4th day of November, 2014, at Sigatoka in the Western Division, did an act with a seditious intention, namely took an oath to serve as a Cabinet Minister for the entity “NADROGA-NAVOSA SOVEREIGN CHRISTIAN STATE” with a seditious intention of bringing into hatred or contempt or to excite disaffection against the Government of Fiji as by law established.

COUNT SEVENTEEN

Statement of Offence

SEDITION: Contrary to Section 67 (1) (a) of the Crimes Act 2009.

Particulars of Offence

RATU TEVITA KHAIKHAINABOKOLAWALE MAKUTU, on the 4th day of November, 2014, at Sigatoka in the Western Division, did sign a document headed “NADROGA-NAVOSA SOVEREIGN CHRISTIAN STATE-Provisional Institutions of Self-Government” with a seditious intention to raise discontent or disaffection amongst the inhabitants of Fiji.

COUNT EIGHTEEN

Statement of Offence

SEDITION: Contrary to Section 67 (1) (a) of the Crimes Act 2009.

Particulars of Offence

RATU TEVITA KHAIKHAINABOKOLAWALE MAKUTU, on the 4th day of November, 2014, at Sigatoka in the Western Division, did an act with a seditious intention, namely took an oath to serve as a Cabinet Minister for the entity “NADROGA-NAVOSA SOVEREIGN CHRISTIAN STATE” with a seditious intention of bringing into hatred or contempt or to excite disaffection against the Government of Fiji as by law established.

COUNT NINETEEN

Statement of Offence

SEDITION: Contrary to Section 67 (1) (a) of the Crimes Act 2009.

Particulars of Offence

MOSESE NAVACI, on the 4th day of November, 2014, at Sigatoka in the Western Division, did sign a document headed “NADROGA-NAVOSA SOVEREIGN CHRISTIAN STATE-Provisional Institutions of Self-Government” with a seditious intention to raise discontent or disaffection amongst the inhabitants of Fiji.

COUNT TWENTY

Statement of Offence

SEDITION: Contrary to Section 67 (1) (a) of the Crimes Act 2009.

Particulars of Offence

MOSESE NAVACI, on the 4th day of November, 2014, at Sigatoka in the Western Division, did an act with a seditious intention, namely took an oath to serve as a Cabinet Minister for the entity “NADROGA-NAVOSA SOVEREIGN CHRISTIAN STATE” with a seditious intention of bringing into hatred or contempt or to excite disaffection against the Government of Fiji as by law established.

COUNT TWENTY ONE

Statement of Offence

SEDITION: Contrary to Section 67 (1) (a) of the Crimes Act 2009.

Particulars of Offence

ERONI RIKORIKO, on the 4th day of November, 2014, at Sigatoka in the Western Division, did sign a document headed “NADROGA-NAVOSA SOVEREIGN CHRISTIAN STATE-Provisional Institutions of Self-Government” with a seditious intention to raise discontent or disaffection amongst the inhabitants of Fiji.

COUNT TWENTY TWO

Statement of Offence

SEDITION: Contrary to Section 67 (1) (a) of the Crimes Act 2009.

Particulars of Offence

ERONI RIKORIKO, on the 4th day of November, 2014, at Sigatoka in the Western Division, did an act with a seditious intention, namely took an oath to serve as a Cabinet Minister for the entity “NADROGA-NAVOSA SOVEREIGN CHRISTIAN STATE” with a seditious intention of bringing into hatred or contempt or to excite disaffection against the Government of Fiji as by law established.

COUNT TWENTY THREE

Statement of Offence

SEDITION: Contrary to Section 67 (1) (a) of the Crimes Act 2009.

Particulars of Offence

ALIFERETI NAKUINIVOU, on the 4th day of November, 2014, at Sigatoka in the Western Division, did sign a document headed “NADROGA-NAVOSA SOVEREIGN CHRISTIAN STATE-Provisional Institutions of Self-Government” with a seditious intention to raise discontent or disaffection amongst the inhabitants of Fiji.

COUNT TWENTY FOUR

Statement of Offence

SEDITION: Contrary to Section 67 (1) (a) of the Crimes Act 2009.

Particulars of Offence

ALIFERETI NAKUINIVOU, on the 4th day of November, 2014, at Sigatoka in the Western Division, did an act with a seditious intention, namely took an oath to serve as a Cabinet Minister for the entity “NADROGA-NAVOSA SOVEREIGN CHRISTIAN STATE” with a seditious intention of bringing into hatred or contempt or to excite disaffection against the Government of Fiji as by law established.

COUNT TWENTY FIVE

Statement of Offence

SEDITION: Contrary to Section 67 (1) (a) of the Crimes Act 2009.

Particulars of Offence

ALIFERETI GONEWAI, on the 4th day of November, 2014, at Sigatoka in the Western Division, did sign a document headed “NADROGA-NAVOSA SOVEREIGN CHRISTIAN STATE-Provisional Institutions of Self-Government” with a seditious intention to raise discontent or disaffection amongst the inhabitants of Fiji.

COUNT TWENTY SIX

Statement of Offence

SEDITION: Contrary to Section 67 (1) (a) of the Crimes Act 2009.

Particulars of Offence

ALIFERETI GONEWAI, on the 4th day of November, 2014, at Sigatoka in the Western Division, did an act with a seditious intention, namely took an oath to serve as a Cabinet Minister for the entity “NADROGA-NAVOSA SOVEREIGN CHRISTIAN STATE” with a seditious intention of bringing into hatred or contempt or to excite disaffection against the Government of Fiji as by law established.

COUNT TWENTY SEVEN

Statement of Offence

SEDITION: Contrary to Section 67 (1) (a) of the Crimes Act 2009.

Particulars of Offence

JORAMA RATULEVU, on the 4th day of November, 2014, at Sigatoka in the Western Division, did sign a document headed “NADROGA-NAVOSA SOVEREIGN CHRISTIAN STATE-Provisional Institutions of Self-Government” with a seditious intention to raise discontent or disaffection amongst the inhabitants of Fiji.

COUNT TWENTY EIGHT

Statement of Offence

SEDITION: Contrary to Section 67 (1) (a) of the Crimes Act 2009.

Particulars of Offence

JORAMA RATULEVU, on the 4th day of November, 2014, at Sigatoka in the Western Division, did an act with a seditious intention, namely took an oath to serve as a Cabinet Minister for the entity “NADROGA-NAVOSA SOVEREIGN CHRISTIAN STATE” with a seditious intention of bringing into hatred or contempt or to excite disaffection against the Government of Fiji as by law established.

[4] The court is grateful to counsel for the prosecution and the defence for their helpful written submissions.

[5] Each accused person faces two counts of Sedition contrary to section 67 (1) (a) of the Crimes Act.

[6] Section 67(1) of the Crimes Act states:

“A person commits an indictable offence (which is triable summarily) if the person —

(a) does or attempts to do, or makes any preparation to do, or conspires with any person to do any act with a seditious intention;

(b) utters any seditious words;

(c) prints, publishes, sells, offers for sale, distributes or reproduces any seditious publication; or

(d) imports any seditious publication, unless he has no reason to believe that it is seditious.

[7] Seditious intention is defined in section 66 (1) of the Crimes Act:

“(1) A “*sedition intention*” is an intention:

(i) to bring into hatred or contempt or to excite disaffection against the Government of Fiji as by law established; or

(ii) to excite the inhabitants of Fiji to attempt to procure the alteration, otherwise than by lawful means, of any matter in Fiji as by law established; or

(iii) to bring into hatred or contempt or to excite disaffection against the administration of justice in Fiji; or

(iv) to raise discontent or disaffection amongst the inhabitants of Fiji; or

(v) to promote feelings of ill-will and hostility between different classes of the population of Fiji.

[8] Furthermore in determining whether the intention with which any act was done, any words were spoken, or any document was published, was or was not seditious, every person shall be deemed to intend the consequences which would naturally follow from his conduct at the time and under the circumstances in which he so conducted himself (section 66 (2) Crimes Act).

[9] The elements of the offence of sedition are:

- (a) the accused;
- (b) did an act;
- (c) with seditious intention.

[10] The identification of all the accused persons is not in dispute in this case. At this stage of the proceedings the court has to be satisfied that there is some relevant and admissible evidence (direct or circumstantial) in respect of all the elements of the offence the accused persons are charged with in accordance with the amended information filed.

[11] The prosecution called six witnesses the main focus of the prosecution case is directed at the record of interview of each of the accused persons given to the police during investigations. I now consider the evidence against each of the accused separately.

- [12] The prosecution witness Napolioni Batimala was able to recall all the meetings he had attended in Nadroga-Navosa in the year 2014.
- [13] The witness saw some people being appointed as Cabinet Ministers and being sworn on the Holy Bible at the meeting held in Cuvu Village.
- [14] The witness knew those who were appointed as Ministers on that day and was able to identify the following accused persons in court namely:
- (a) Adi Cuvu Gavidu [4th accused];
 - (b) Ratu Tevita Makutu [9th accused];
 - (c) Mosese Navaci [10th accused];
 - (d) Jimi Koro [2nd accused];
 - (e) Ratu Inoke Tasere [1st accused];
 - (f) Peniasi Naqau [6th accused];
 - (g) Alifereti Gonewai [13th accused]; and
 - (h) Alifereti Nakuinivou [12th accused].

1st accused (Counts 1 and 2)

- [15] The record of interview of the 1st accused Ratu Inoke Tasere dated 16 December, 2014 was read in court by Corporal Inoke Tui. The accused in his interview admitted being appointed as the Minister of Grace and Finance. He accepted the appointment and thereafter took an oath on the Holy Bible. He voluntarily admitted being part of the group that formed the Vanua Government of Nadroga-Navosa.
- [16] Corporal Tui stated in cross examination that although he had not shown the document titled "Nadroga-Navosa Sovereign Christian State Provisional Institutions of Self-Government" (prosecution exhibit no.28) to the accused his name and signature were present in the document.

[17] There is evidence that a name Ratu Inoke Tasere is mentioned under “Minister for Grace & Finance” and a signature appears beside that name in the document titled “Nadroga-Navosa Sovereign Christian State Provisional Institutions of Self-Government”. The accused admitted that he was appointed as the Minister for Grace & Finance.

[18] In my considered view there is circumstantial evidence that it is the first accused who had signed the document. There is also evidence before the court that each accused who were sworn that day had also signed the document in question. Therefore it is for the assessors to consider what weight they wish to give to this evidence.

2nd accused (Counts 3 and 4)

[19] The record of interview of the 2nd accused Jimi Koroibete dated 17 December, 2014 was read in court by Detective Inspector Isoa Natui. The accused admitted that the province of Nadroga-Navosa was declared an independent and Sovereign State and he was present when this was done.

[20] The accused recognized the document titled “Nadroga-Navosa Sovereign Christian State Provisional Institutions of Self- Government” and also admitted signing the document voluntarily.

[21] The accused admitted in his record of interview that after he was appointed as the Minister for Investment/Commerce/Tourism he took an oath on the Holy Bible and then signed the document.

3rd accused (Counts 5 and 6)

[22] The record of interview of the 3rd accused Seru Kunalagi dated 17 December, 2014 was read in court by Corporal Tui. The accused

admitted signing the document titled “Nadroga-Navosa Sovereign Christian State Provisional Institutions of Self- Government” voluntarily.

- [23] The accused also admitted in his record of interview that after he was appointed as the Minister for Education he was sworn in.

4th accused (Counts 7 and 8)

- [24] The record of interview of the 4th accused Adi Cuvu Gavidi Atama dated 14 January, 2015 was read in court by Detective Corporal Viliame Nagatalevu. The accused admitted signing a list of names of Cabinet Ministers, but she was not given the document titled “Nadroga-Navosa Sovereign Christian State Provisional Institutions of Self- Government”. However, in answer to question 40 of the interview she explained that she could not recall going through the document before she signed although it’s stated “*it was explained to us*”. In my considered view it is for the assessors to consider what weight they wish to give to this evidence.

- [25] The accused also admitted being appointed as the Minister of Family Affairs and that she had repeated the oath statement.

5th accused (Counts 9 and 10)

- [26] The record of interview of the 5th accused Ulaiasi Rabua Tuivomo dated 9th January, 2015 was read in court by Detective Corporal Viliame Nagatalevu. The accused admitted signing the document titled “Nadroga-Navosa Sovereign Christian State Provisional Institutions of Self- Government” beside “Minister for Public Relations”.

- [27] The accused admitted being asked to join the group and opted to be the Minister for Public Relations. The accused was not able to recall the

oath statement but he did admit that he did swear that he will pay true allegiance to the task he had been given.

6th accused (Counts 11 and 12)

[28] The record of interview of the 6th accused Peniasi Naqau dated 19 December, 2014 was read in court by Corporal Inoke Tui. The accused admitted signing the document titled “Nadroga-Navosa Sovereign Christian State Provisional Institutions of Self- Government”.

[29] The accused also admitted in his record of interview that he was appointed as the Minister of Fisheries which he gladly accepted and took an oath although he had forgotten the oath statement.

7th accused (Counts 13 and 14)

[30] The record of interview of the 7th accused Semi Tanikili dated 18th December, 2014 was read in court by Detective Corporal Isoa Natui. The accused recognized the document titled “Nadroga-Navosa Sovereign Christian State Provisional Institutions of Self- Government” he admitted signing the document.

[31] The accused also admitted in his record of interview that he was appointed as the Minister for Sports/Recreation/Parks and Gardens. The accused thereafter took an oath on the Holy Bible.

8th accused (Counts 15 and 16)

[32] The record of interview of the 8th accused Ratu Osea Bolawaqatabu dated 17 December, 2014 was read in court by Detective Corporal Viliame Nagatalevu. The accused admitted signing the document titled “Nadroga-Navosa Sovereign Christian State Provisional Institutions of Self- Government”.

[33] The accused also admitted in his record of interview that after accepting the position of the Minister for Land Use and Conservation took an oath.

9th accused (Counts 17 and 18)

[34] The record of interview of the 9th accused Ratu Tevita Makutu dated 19 December, 2014 was read in court by Detective Corporal Isoa Natui. The accused recognized the document titled “Nadroga-Navosa Sovereign Christian State Provisional Institutions of Self- Government” and admitted signing the document.

[35] The accused also admitted in his record of interview that he was appointed as the Minister for Christian/Evangelism and Vanua Affairs and thereafter admitted taking an oath.

10th Accused (Counts 19 and 20)

[36] The record of interview of the 10th accused Mosese Navaci dated 30 December, 2014 was read in court by Detective Corporal Viliame Nagatalevu. The accused stated that a total of 18 Ministers were sworn in and the details of the Ministers were stated in the document titled “Nadroga-Navosa Sovereign Christian State” which was given to the police by him.

[37] This document was tendered and marked as prosecution exhibit no. 18. This particular exhibit mentions the name Mosese Nawaci and beside the name is a signature. The accused admitted he was appointed as a Minister that day. This raises circumstantial evidence whether the accused signed the document is for the assessors to consider what weight they wish to give to this evidence.

[38] The accused also admitted in his record of interview that he was appointed as the Minister for Infrastructure, Village Reconstruction and that he was sworn in thereafter.

11th Accused (Counts 21 and 22)

[39] The record of interview of the 11th accused Eroni Rikoriko dated 17 December, 2014 was read in court by Detective Corporal Isoa Natui. The accused recognized the document titled “Nadroga-Navosa Sovereign Christian State Provisional Institutions of Self-Government” of which he had a copy at home. The accused confirmed his name and signature on the document.

[40] The accused also admitted in his record of interview that he was appointed as the Minister for Lands, Mining and Environment. The accused agreed to take up this position. Thereafter he swore on the Holy Bible.

12th accused (Counts 23 and 24)

[41] The record of interview of the 12th accused Alifereti Nakuinivou dated 16 December, 2014 was read by Corporal Inoke Tui. The accused was not shown the document titled “Nadroga-Navosa Sovereign Christian State Provisional Institutions of Self-Government”, however, in this document the name of the 12th accused is mentioned and there is a signature under “Minister for Securities/Home Affairs”. He also admitted been appointed as a Minister that day. This raises circumstantial evidence whether the accused signed the document. It is for the assessors to consider what weight they wish to give to this evidence.

[42] The accused also admitted in his record of interview that he was appointed as the Minister for Defence and iTaukei Affairs he also recalled that he was being prayed upon whilst holding the Holy Bible. The

accused also remembered that 10 others were also sworn that day. It is for the assessors to consider what weight they wish to give to this evidence.

13th accused (Counts 25 and 26)

[43] The record of interview of the 13th accused Alivereti Gonewai dated 19 December, 2014 was read by Corporal Inoke Tui.

[44] The accused was able to recall the document titled “Nadroga-Navosa Sovereign Christian State Provisional Institutions of Self-Government” and confirmed his name and signature on this document. The accused further stated in his record of interview that he was appointed as the Minister for Prayer and Intercession and that he was sworn.

14th accused (Counts 27 and 28)

[45] The record of interview of the 14th accused Jorama Ratulevu dated 16 December, 2014 was read in court by Detective Corporal Isoa Natui. The accused recognized the document titled “Nadroga-Navosa Sovereign Christian State” and confirmed that it was the declaration of independence of the “Nadroga-Navosa Sovereign Christian State. The accused recognized his signature under “Secretary to Cabinet” in the document.

[46] The accused also admitted in his record of interview that after he was appointed to be the Secretary to the Cabinet he took an oath on the Holy Bible.

[47] The document titled “Nadroga-Navosa Sovereign Christian State Provisional Institutions of Self-Government” (prosecution exhibit no. 28) states inter-alia:-

Page 1, first paragraph

“We, the democratically elected (by consensus) leaders of the People, hereby declare Nadroga-Navosa Province to be an independent and sovereign State, and to be hereinafter known as the “Nadroga-Navosa Sovereign Christian State”.

Page 2, Line 15

“Therefore, we intend to put immediate end to all self-serving governments of all persuasions who have ruled us contemptuously in the past, as from the date of this Declaration.”

Page 2, second paragraph, line 5

“We also claim the rights accorded us by the Statutes of Genocide 1949 for protection against genocidal laws which have been promulgated by the current government of Fiji over the past eight years, and which are now enshrined in their Fiji 2013 ‘mainstreaming’ Constitution...”

Page 3, second paragraph

“As native people of Fiji, we reject outright the ‘mainstreaming’ Constitution of the current government, assented to on 6 September, 2013...”

Page 3, second paragraph, line 6

“We also reject outright the use of the thesis written by Muslim man, Aiyaz Saiyed Khaiyum, who is Fiji’s current Attorney-General and Justice Minister,... for the ‘extermination’ of the native Fijian race of people from the landscape of Fiji, our country of origin...”

Page 3, third paragraph

“Our overwhelming desire to free and extricate ourselves and our future generations from the tyranny of foreign subjugation and genocidal laws intended for our extermination ... is the single decisive impetus for our Unilateral Declaration of Independence on 10 October, 2014.”

[48] In my considered view it is for the assessors to consider whether the contents of the document titled “Nadroga-Navosa Sovereign Christian State Provisional Institutions of Self Government” has the tendency to raise discontent or disaffection amongst the inhabitants of Fiji and to bring into hatred or contempt or to excite disaffection against the Government of Fiji as by law established.

[49] Furthermore it is for the assessors to consider whether the accused persons did the alleged acts (that is sign the document titled “Nadroga-Navosa Sovereign Christian State Provisional Institutions of Self Government” and took an oath (in whatever form) to serve as a Cabinet Minister for the entity “Nadroga-Navosa Sovereign Christian State) with a seditious intention to cause the effects as alleged.

CONCLUSION

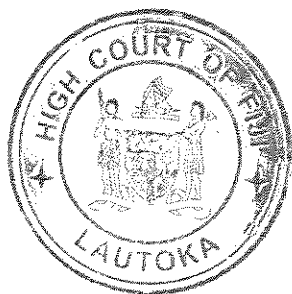
[50] I am satisfied that the prosecution has adduced relevant and admissible evidence in respect of all the elements of the charges against all the accused persons. The issue of credibility, reliability and weight are matters for the assessors.

[51] There is prima facie evidence against all the accused persons that each one of them did the acts as stated in the amended information filed with a seditious intention to raise discontent or disaffection amongst the

inhabitants of Fiji and bring into hatred or contempt or to excite disaffection against the Government of Fiji as by law established.

[52] It is for the assessors to decide this case by taking into account all the evidence adduced at trial and by drawing such inferences as would appear to be proper in the circumstances of the case.

[53] I therefore rule that all the accused persons have a case to answer for each count they are charged with.



Sunil Sharma

Judge

At Lautoka

20 October, 2017

Solicitors

Office of the Director of Public Prosecutions for the State.

Messrs. Aman Ravindra Singh Lawyers, Lautoka for the 1st to 3rd, 5th, 7th to 14th Accused.

Messrs. Law Solutions, Suva for the 4th Accused.

Messrs. Mamlakah Lawyers, Suva for the 6th Accused.