

Lawyers at risk

FIJI

Richard Naidu
Commonwealth Law Conference
9 April 2025

MUNRO LEYS



Fiji refresher

Democracy, on and off

- Independence 1970
- Coups – 1987, 2000, 2006 (Bainimarama), 2009 (?) – four constitutions in 50 years
- Bainimarama's 16-year reign ends 2022 (elections)

[By 2023 Fiji is Freedom House “most improved” for civil liberties]

- Bainimarama rule:
 - opponents jailed for “corruption”
 - pliant judges post-2009
 - tight control of Govt media, advertising buyoff of private newspaper, prosecution/threats for independent newspaper

Personal experience - 1

- 2006 – night-time military pickup (“usual treatment”)
- 2007 – “Govt agencies told:
– “stop work to Munro Leys”
- 2009 – detained – “unlawful blogging”
- court filings/rulings delayed
- ongoing lower-level harassment – taxation, professional conduct complaints

To be a good subversive, you must scrupulously follow the law.”

– Attributed to Vaclav Havel



Office of the Prime Minister,
Suva,
Republic of the Fiji Islands

CABINET MEMORANDUM

21st May, 2007

To: All Cabinet Ministers

Given the need to consolidate Government's position and avoid conflicts of interest, it is hereby directed that no Government Ministry, statutory bodies or Government corporate entities, use the legal services of the law firms of Munro Leys and Howards.

It shall be the responsibility of each line Minister to ensure that the above directive is adhered to by all Ministries and Entities under him or her. In this respect an audit shall be carried out within 3 months.

Should the respective Ministries and Entities find it difficult to acquire legal services in the absence of Munro Leys and Howards then they should contact the Attorney-General who would refer them to other legal service providers.

Personal experience – 2

“Contempt of court”



Richard Naidu

2 Feb 2022 · 🔒



Maybe our judges need to be shielded from all this vaccination campaigning. I'm pretty sure all the Applicant wanted was an injunction 🤔

3. After hearing counsel for first to fourth Defendant, the application for an injunction was wound up on 8.11.2021.
4. This application for injunction was heard on 22.11.2021.
5. By the time injunction application was heard a writ of habeas corpus was granted against first Defendant.

Well, I thought it was funny...

Personal experience – 3 “Contempt of court”

Richard Naidu's Summons to Cross-examine A-G Refused

Discrimination • Crime • Human Rights
29 Oct 2022 | [A-G Naidu](#) | ASHINA KUMAR Ferd
back: jerry@munroleys.com.fj

Richard Naidu's Summons to cross-examine the Attorney-General has been refused by the Civil High Court.

Naidu's lawyer, Jon Apted, filed the Summons on October 6, seeking that the A-G attend the hearing of the Notice of Motion.

This is for cross-examination on his affidavit in support of Motion verifying facts relating to leave for com-

mittal filed on June 22.

Naidu is alleged to have scandalized and ridiculed the courts and the judiciary in a Facebook post where he made comments in relation to a judgment delivered by the High Court in Suva.

The A-G, Aiyaz, the proceedings Naidu.

In his decision, Judge, Justice Ju in any contempt civil or criminal

The New York Times

He Pointed Out a Judge's Goof. Now, He Faces Jail Time in Fiji.

A lawyer who made light of a legal document's error was convicted of contempt of court, in a sign of the island nation's eroding civil liberties.

Richard Naidu found guilty

The case will be called on the 5th of Jan for sentencing and mitigation submissions

By [Rashika Kumar](#)

Tuesday 22/11/2022



The Fiji Times

HOME NEWS SPORT LIFESTYLE FEATURES PEOPLE NA ILALAKAI DINING & ENTERTAINMENT FIJIAN DRUGA OPINION

Richard Naidu case: Lawyer claims Apted's comments were in contempt in the face of court

Local News, News, Today's Main Story | Published: October 29, 2022 | Last Updated: October 29, 2022 | By Ian Chute



Lawyer John Apted outside the Suva High Court. Picture: JONA KONATA/FILE



Statement regarding the conviction of Richard Naidu by the High Court of Fiji

The CLA has been observing the contempt proceedings against Mr. Richard Naidu over a post on his Facebook. The post was a comment on a spelling error in a judgment. Mr. Naidu was convicted by the High Court of Fiji on 22 November 2022 for scandalizing the court and he is to be sentenced on 6 January 2023.

The CLA are concerned over the invoking of criminal contempt for scandalizing the court, which has been repealed in many parts of the Commonwealth. In this regard, it has been accepted that prosecution for this contempt will deter comments on judicial errors or misconduct and will have a chilling effect on the freedom of speech and expression.

Justice Goundar dismisses Naidu contempt

Local News, News | Published: July 18, 2023 | Last Updated: July 18, 2023 | By Sharyl Devi

Listen to this article: [▶](#)



Read Today's

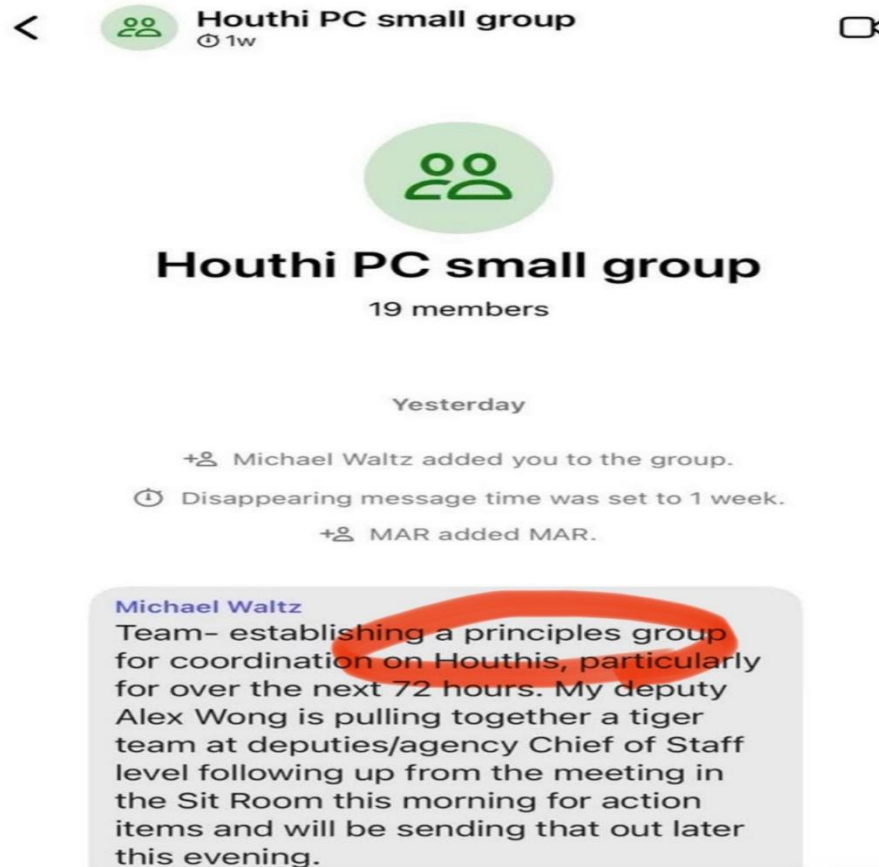


GET THE

Lawyers at risk – lessons I've learned

- Autocrats are now more sensitive to international reputations:
 - so solidarity and confrontation is important
 - looking for subtler and “softer” pressure points they can justify
- Nothing beats an independent judiciary
 - and nothing's worse than a tame one
- Campaigns must be planned and sustained, often through local/neighbouring bar associations (also know when to hold back)
- Your governments need to be confronted over their diplomatic positions in target countries

My next project...



This screenshot shows text messages from the Signal group chat of