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ARMS, EXPLOSIVES AND AMMUNITION (AMNESTY) DECREE 2000

(INTERIM CIVILIAN GOVERNMENT DECREE NO. 40)

In exercise of the powers vested in the Interim Civilian Government by section 4 of the Interim Civilian Government (Transfer Executive Authority) Decree No. 19 of 2000, I, Josefa Iloilovatu Uluivuda, President of the Republic of Fiji, acting on the advice of the Cabinet, hereby make this Decree to grant an amnesty for the surrender of arms, explosives and ammunition and for related matters.

Short title and commencement

1. This Decree may be cited as the Arms, Explosives and Ammunition (Amnesty) Decree, 2000 and commences on 16th December 2000.

Interpretation

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

“ammunition” has the meaning given by the Arms and Ammunition Act, (Cap. 188);

“amnesty period” means 30 days from the commencement of this Decree or a further period specified under section 4;

“arm” has the meaning given by the Arms and Ammunition Act, (Cap. 188);

“collection point” means a place specified as such under section 5;

“explosives”—

(a) subject to (b), has the meaning given by the Arms and Ammunition Act, (Cap. 188);

(b) without limiting the generality of (a) includes—

(i) any substance declared to be an explosive under section 4 of the Explosive Act, (Cap. 189); and

(ii) any material for making any explosive or any apparatus, machine, implement or material used or intended to be used or adapted for causing or aiding in causing any explosion in or with any explosive, or any part of any such apparatus, machine or implement.

Grant of amnesty

3.—(1) Any person illegally in possession, custody or control of any arm, explosive or ammunition may during the amnesty period voluntarily surrender or disclose the location of the arm, explosive or ammunition to the officer in charge of a collection point.

(2) A person who voluntarily surrenders or discloses the location of any arm, explosive or ammunition during the amnesty period shall not be charged with any offence relating to illegal possession, custody or control of that arm, explosive or ammunition and such of a person is pardoned and absolved from any criminal responsibility in respect of that possession from the date of the surrender or disclosure.

Powers of Minister

4. The Minister may, by order in the *Gazette*, before the end of 30 days from the commencement of this Decree, extend the amnesty period for a further period not exceeding 30 days.

Collection points

5.—(1) Any arm, explosive or ammunition may be taken to any police station, police post or the Queen Elizabeth Barrack, Duke of Edinburgh Barrack or Sukanaivalu VC Barrack, RFNS Stanley Brown (Walu Bay), RFNS Viti (Togalevu) or any military or naval outpost or naval ship.

(2) The Minister may, by notification in the *Gazette*, specify any other place as a collection point and any person as the officer in charge of such collection point.

Extent of amnesty

6.—(1) The amnesty granted by this Decree does not extend to—

- (a) conspiracy to instigate an invasion;
- (b) conspiracy to import arms, explosives or ammunition unlawfully into Fiji;
- (c) concealing unlawfully imported arms, explosives or ammunition;
- (d) any other offence in relation to the unlawful shipment of arms, explosives or ammunition to, from or within Fiji;
- (e) neglect to prevent a felony; or
- (f) any offence relating to the use of arms, explosives or ammunition.

(2) The amnesty granted by this Decree does not extend to any charge relating to possession of arms, explosives or ammunition laid before the commencement of this Decree.

Protection for person granted amnesty

7.—(1) No person shall disclose publicly in any forum the identity of a person who has been granted an amnesty by this Decree.

(2) No person shall use knowledge about another person obtained by virtue of that person claiming amnesty under this Decree to place that person at a disadvantage.

(3) All records relating to the surrender or disclosure of arms, explosives or ammunition shall be destroyed within 30 days after the expiry of this Decree, except for statistical purposes as to the number and types of items surrendered.

Penalties

8. A person who contravenes section 7 commits an offence and is liable on conviction to a fine of \$400 and to imprisonment for 3 months.

Made at Suva this 18th day of December 2000.

J. I. ULUIVUDA
President of the Republic of Fiji