



TRANSPARENCY INTERNATIONAL FIJI

The ADVOCACY AND LEGAL ADVICE CENTRE (ALAC): ***HUMAN INTEREST STORIES***



This publication reflects those complaints that have been registered with TI Fiji. The names used in the publication are not to be depicted as the real names of the individuals involved.

Table of Contents

Cover page		1
Table of Contents		2
Introduction		3
Bank refuses to release Title...	Story 1	4
Bogus Institution cheats students...	Story 2	
Child maintenance inconvenience...	Story 3	5
Cheated of Education...	Story 4	
Lady loses all to scheme...	Story 5	6
One Property, Three Owners...	Story 6	
Cases resolved on the spot		7
Feedback from Workshop Participants		8

Introduction

Transparency International Fiji, has been in existence for the past 10 years. In this time, it has grown immensely in its fight to combat corruption in both the public and private sector. It works with Stakeholders to fight corruption in a non-confrontational approach by building National Integrity Systems.

TI Fiji currently has three programs running, **NICE**, (National Initiative on Civic Education) **OBI**, (Open Budget Index) **ALAC** (Advocacy and Legal Advice Centre), and lastly the Forest and Governance Program which has just been implemented.

The Advocacy and Legal Advice Centre (ALAC) was launched on the 30th of April 2009 at the Reserve Bank Of Fiji in Suva by the British High Commissioner Mr. Malcolm Mc Lachlan and the Japanese Ambassador, His Excellency, Mr. Yutaka Yoshizawa. ALAC was established to assist and provide legal assistance to those victims and witnesses of corruption that have exhausted all other means of getting legal assistance. ALAC then uses the data gathered from the complaints registered for structural reform in legislations and policies.

Since its inception, ALAC's main aim and task is creating awareness and promoting the centre throughout the country. The result from the public has been overwhelming which has resulted in the setting up of the two new desk spaces in Lautoka and Labasa to cater for the people in the West and North of Fiji.

More workshops and awareness/ advocacy campaigns have been mapped out for Quarter 4, however providing the clients with the legal assistance to victims and witnesses of corruption remains the utmost goal for ALAC.

Human Impact Stories

Story 1: Bank refuses to release Title...

Mr. Poasa approached ALAC on 2nd August 2010 seeking legal advice and assistance.

Mr. Poasa had loaned from a prominent bank in Suva the sum of \$15,000.00 and used the title of his home as security. The bank gave him four years to pay off the loan. In June 2010 he completed his repayment and applied for a second loan.

In July 2010 his loan request was rejected on the basis of late payments on his first loan. In the same month, Mr. Poasa requested for the release of his title and was advised by one of the bank managers, Mr. Q, to deposit \$105.00 into his account for the discharge of his title. A month later he was advised again by Mr. Q that his title will only be released to a solicitor of his choice or appointment.

On the same day Mr. Poasa approached ALAC requesting our assistance for the release of his title. Mr. Poasa then informed Mr. Q that he had engaged the services of ALAC. Mr. Q informed him that the bank will only release the title to a law firm and not a solicitor from Civil society.

A letter was written to the General Manager of the bank informing him of Mr. Poasa's grievance at having paid \$105.00 for the discharge of his Title and to be advised again to engage a private solicitor for the release of his title that he had voluntarily taken to the bank.

The bank acknowledged our letter and informed us that they were looking into the matter. Mr. Poasa informed ALAC that the matter has been settled and that the bank has given him an approval for his second loan.

Despite not getting any feedback from the bank itself, ALAC is proud to have made an impact in Mr. Poasa's case. This case was closed and marked successful.

Story 2: Bogus Institution cheats students...

In June 2010, an Indian national, Mr. Jai, walked into ALAC to make an official complaint against Mr. and Mrs. Hari whom he alleges defrauded his clients.

Mr. Jai stated that he was lodging a complaint with ALAC on behalf of a relative, Ms. Anita, from India who had enrolled to study nursing at an Institute in Suva.

Ms. Anita came across the advert about the institute on the web and after expressing her interest in the course, they received an email from the International Manager of the institute stating that they were to pay a sum of \$16,000.00FJD for her enrollment fees.

Payments were made by Ms. Anita to a Bank Account provided by the Institute in Fiji. However Ms. Anita did not receive any confirmation from the institute that they had received the cash and neither did she receive her acceptance letter.

As a result, Mr. Jai came to Fiji on behalf of Ms. Anita to enquire about the Institution and the progress of Ms. Anita's application.

Upon arrival in Fiji, Mr. Jai was greeted at the airport by Mr. and Mrs. Hari who also accommodated Mr. Jai whilst in Fiji.

After enquiring, Mr. Jai found out that this institute had allegedly been tricking people from India, Nepal, Korea, Japan and other parts of the world into making payments to an institute that did not exist.

He alleged that whenever he would ask the couple to visit the Institute they would always postpone the



visit giving excuses.

During drinks one evening, they had an argument regarding the issue at hand and the accused chased Mr. Jai out of his house and threatened him. The neighbour overheard the argument and took Mr. Jai in.

ALAC advised Mr. Jai to lodge a complaint with the police against the Mr. and Mrs. Hari. ALAC then referred the matter to FICAC and pursued the matter with police.

On 18th September 2010 Police investigated the matter and informed ALAC that the money was paid back to Ms. Anita as requested by Mr. Jai

Mr. Jai has since returned to India.

Story 3: Child maintenance inconvenience...

After ongoing meetings with Mrs. Tomo, ALAC discovered that she was a mother of seven children and separated from her husband.

The complainant resided in the Western division with her children, six of whom attended school. Her husband was employed in Suva and pays maintenance of \$400.00 FJD a month to his wife for the upbringing and wellbeing of their children.

Once a month, Mrs. Tomo collected maintenance money from Suva and travelled back to the Western division on the same day.

On more than one occasion, Mrs. Tomo was given only \$200.00 FJD and told to come back the following week to collect the remaining balance. Mrs. Tomo was told that the reason she could not take the whole amount was because there were too many women waiting to receive maintenance money and as a result there was not enough for everyone.

Mrs. Tomo informed ALAC that the trend had been going on for some time. Since it had inconvenienced her she decided to come forth with the complaint.

A letter was written by ALAC to the implicated Institution concerned which did not respond. However, Mrs. Tomo personally informed us later that she had started to receive the normal \$400.00. She also informed ALAC that she was questioned by staff on whether she had lodged a complaint with ALAC. This case has been successfully closed.

Story 4: Cheated of Education...

On 24th March 2010, three students from a prominent private tertiary institution in Fiji came to ALAC claiming that the school had defrauded them.

The students alleged they had enrolled in a course for which, according to the Manager, they were going to be assessed on instead of sitting an examination.

They were further advised they would be given 6 months attachment before being allowed to graduate.

The students began the course on 27th August 2008 and completed it on 13th February 2009. Throughout this period, they alleged that there was a high turnover of lecturers, student's progress was not monitored, and they were left to cope with their studies alone with no form of assistance from any lecturers during assignments.

In April 2009, the students enquired about their results and the graduation date. They were informed that the



course they had completed was a certificate level course which did not require graduation and that results were pending because all assignments were being marked overseas and the course did not require work attachments. Later in November 2009, all the students were informed that they had failed the course and had the option to re-sit the 12 units.

The angry students informed ALAC they had each spent \$1300.00FJD and were not issued receipts. To re-sit the 12 units would cost each of them an additional \$600.00FJD. The affected students were not given the option of recounting their assessment marks but instead were given a deadline to re-sit the 12 units but at a different institution.

ALAC referred the matter to the Ministry of Education for their attention. A week later we received a response from the Director of Fiji Higher Education Commission advising us that they have made arrangements to meet with the CEO and Chairman of the Institution to discuss the case.

In October 2010 the Fiji Higher Education Commission responded to ALAC stating they had looked into the matter and received an explanation from the Chairman of the Institution. As a result of ALAC's intervention the Chairman of the Institution committed himself to have the students re-do their assessments with three weeks of free tuition and assistance. The Tuition assessment ran from 1/11/10 to 26/11/10 from 9.00am to 4.30pm.

The students were informed accordingly. The matter has been marked successfully closed.

Story 5: Lady loses all to scheme...

Mrs. Cakau complained to ALAC in early February 2010 that she had been defrauded by a scheme where she had invested a lot of money in.

Mrs. Cakau's husband had died whilst serving in Iraq. In 2006, Mrs. Cakau had received a large sum of money of which \$40,000.00 was invested in the scheme.

Later on, Mrs. Cakau decided to withdraw from the scheme but she was only given \$20,000.00 out of the \$40,000.00 that she had invested.

When she approached the Scheme in 2007 for the remaining balance, she was told to handover a car that she had just purchased, as assurance of her refund.

Mrs. Cakau did not received the remaining balance owed to her nor was her car been returned. After writing to the Commissioner of Police, ALAC was told the case had been referred to the State for independent professional advice.

Story 6: One Property, Three Owners...

In 1968, Mr. Gaffar signed a Memorandum of Understanding with a Land Purchase Committee for the purchase of two blocks of land for the price of 450 pounds each.

On 13th May 2010, Mr. Gaffar came to ALAC to get legal advice relating to the above matter. Mr. Gaffar informed ALAC that the payment for the land had been completed in 1973.

However, in 2001 a Mr. Yusuf wrote to the Land Purchase Committee showing interest in acquiring the same piece of land that Mr. Gaffar had purchased. The same lots of land were sold to two other parties.

Mr. Gaffar informed the Secretary of the Land Purchase Committee who verbally admitted their mistake, however, no redress was done to resolve the issue.

The matter got to the extent where Mr. Yusuf allegedly claimed to have made payments for the land since 1968 despite only moving onto the said piece of land in 2001. ALAC wrote a letter to the Police who later referred the matter to the Criminal Investigations Department.



Cases resolved on the spot through legal advice

- **Ms. E** worked as a house maid for the last 4 years and since she had her superannuation deducted at her previous place of employment, she wanted the same done at her present work. She requested her employer to have her superannuation deducted but they did not do it. ALAC legally advised that she could also do voluntary deductions herself at the superannuation office because the employer did not have the onus to deduct if her salary was below \$15,000.00.
 - **Mr. F** called and sought our legal assistance on how his ex-son-in-law could be made to continue paying maintenance to his daughter and grandchildren. ALAC advised him that he could go to the Court Registry and lodge for Contempt of Court Application. ALAC advised that a copy would be served on his ex son in law who would need to attend Court on the provided date, which failure to attend, would result in a Bench Warrant being issued against him. ALAC further told Mr F. that his ex son in law would then have to state to the Court why he had stopped paying maintenance. The Court would decide then on what action to take next.
 - **Mr. G** a President of a Hindu prayer group called in and explained that one of their members used their money worth FJD\$500.00. He wanted to know as to how he could recover it. We advised him that the amount fell within the jurisdiction of the Small Claims Tribunal, and he would be able to lodge a claim there. The client was happy to be assisted.
 - **Mr. H** was paying maintenance for the upkeep of his two sons who were in their mother's care. He alleged that his two sons were not being looked after well and that their mother had breached Court Order by not allowing the children to spend Christmas and New Year with him and his new wife. **Mr. H** requested ALAC's assistance to advise him as to how he could have the case transferred to the Capital rather than it being heard in the rural area. We advised him accordingly suggesting he should file for Contempt of Court in the rural court and when the matter was called, he could seek leave of the court for the matter to be transferred to the capital, and give reasons for his request. ALAC further advised that when the matter was called in the capital court he could then file for Variation of Custody Order, A
 - A complaint was against a member of landowning clan. **Mr. I** produced a Trust Deed naming his now deceased father as Trustee. We advised Mr. I that the Deed had expired. ALA further advised him to have a new Trust Deed drafted following consultations with other members of his landowning clan. **Mr. I** acknowledged our opinion.
- 
- 

FEEDBACK FROM ALAC WORKSHOP PARTICIPANTS

I Found topics on causes and solutions of corruption to be very useful.
Male, 21.
Rewa Workshop Participant

I was able to clearly define bribery in relation our local context.
Male, 28.
Tailevu Workshop Participant.

The workshop taught me that every person on Fiji has a role to play in fighting corruption.
Female, 42.Labasa.

Corruption exists in our villages and now I know ways of addressing it.
Female, 24. Rewa.

The workshop taught me on how to fight against corruption from a community point of view.
Female, 29. Labasa.

I found the TI objectives and the information on TI Fiji very useful.
Female, 19. Korolevu.

I can now understand the differences of corruption now and I would definitely be able to identify it when it happens.
Male, 28. Korolevu.

I've found every part of the workshop useful as now an organisation established to deal with corruption exists.
Female, 35. Savusavu.

Knowing and understanding the definition of corruption to be very useful.
Male, 53. Rewa.

Excellent. More ALAC workshops.
Male, 26.
Tailevu Workshop Participant

Accountability and integrity are important values that I learnt from the workshop.
Male, 30.Labasa.