



ADDRESS BY JUSTICE SHAMEEM, HIGH COURT OF FIJI
Tuesday 20 July 2004, 5:30pm
Banco Court
“Rule of law and the independence of the judiciary in Fiji”

Chief Justice’s introduction

Your Honours, ladies and gentlemen, and especially our guest speaker

Justice Shameem ...

I welcome you all to the Banco Court this evening. May I take the potentially dangerous course of selecting out, for special mention, a number of persons: first, our Fijian guests; second, representatives of LAWASIA, Janet Neville and Mary Rositer; and third, the students who are among us: there are I understand five students, for example, from the University of Queensland – we are especially encouraged by your interest.

The disruptions in 1987 and 2000 to the peaceful government of our Fijian neighbours aroused a lot of anguished concern here. To many of us, it seemed inconceivable that such inherently peace-loving people should be blighted by such catastrophe. The legal profession in this State has in recent years been made starkly aware of the Fijian situation, fostered in part through an alliance between the Law Societies of Queensland and Fiji, and I have commended the Queensland Law Society for its concern to assist so far as it could, and assist it did.



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In this country we take the rule of law for granted. So, I suspect, did the Fijian people, at least over the years prior to the Rabuka coup in 1987. That coup, and the second led by George Speight in 2000, challenged Fijian lawyers and Judges with confronting moral choices. Some yielded to the temptation of expediency. Others stood firmly on principle, and at considerable personal risk.

Our guest speaker this evening, Justice Shameem, was one of those who stood firm. We are much indebted to the Queensland Chapter of the International Commission of Jurists for securing Justice Shameem’s presence here tonight, and I am privileged to introduce her.

In brief outline, Her Honour received her secondary education in Suva and Auckland, then studied law at Sussex and Cambridge Universities in England. Admitted to the English Bar, she almost immediately returned home to Fiji, in 1984. She commenced her legal career in the Office of the Director of Public Prosecutions, being appointed Director in 1994. She remained Director for five years until appointed a Judge of the High Court in 1999.

In his media release relating to this occasion, Mr Stephen Keim, who is as you know Vice-president of the Queensland Chapter of the International Commission of Jurists, said this:



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"As the country's chief prosecutor, Ms Shameem had to withstand numerous attacks on her independence by the rich and powerful who included politicians, her own Minister and even members of the Magistracy. She had to do this against a background of limited resources. For the way in which she stood by her staff and fought with integrity for the independence of her office, she received great support and affection from the people of Fiji.

The challenges as a Judge have been just as significant. Her appointment came just a year before the second coup. Faced with actions by a number of her fellow Judges (including the Chief Justice) in supporting the Speight coup, Justice Shameem displayed courage in being prepared to give evidence on a petition for the removal of that Judge from hearing a constitutional case arising out of the aftermath of the coup."

We are most fortunate and privileged to have the opportunity to hear this evening from a person who plainly personifies the honesty and courage critical to the judicial independence which bases our system, but not often here tested as rigorously as over recent years in Fiji.

Ladies and gentlemen, would you please welcome Justice Nazhat Shameem...