



THE STATE v 1. JOSAIWA WAQABACA
2. ANARE RAVULA
3. FRED WESLEY
4. HANK ARTS
5. FIJI TIMES LIMITED

Cr. Case No HAC 361 of 2016

IN THE HIGH COURT OF FIJI
AT SUVA

**AMENDED INFORMATION BY THE
DIRECTOR OF PUBLIC PROSECUTIONS**

JOSAIWA WAQABACA, ANARE RAVULA, FRED WESLEY, HANK ARTS AND FIJI TIMES LIMITED are charged with the following offence(s):

COUNT 1

(First Accused only)

Statement of Offence

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

Particulars of Offence

JOSAIWA WAQABACA between the 20th and 27th day of April 2016 at Suva in the Central Division did a seditious act, namely wrote and submitted an article for publication in the Nai Lalakai newspaper and in the said article made a statement namely, "*Ko ira na Musulomani era sega ni taukei kei Viti, sai ira nai lawalawa oqo era a curu botea na vanua eso ka dua vei ira ko Bangladesh mai Idia, kara vei vakamatei kina, kucuvi na nodra yalewa, ra vakararawataki na gone me yacova sara nira sa lewa ka sa nodra tu edaidai*" (translated as "*Muslims are not the indigenous of this country. These are people that have invaded other nations for, example, Bangladesh in India, where they killed, raped and abused their women and children. Today they have gone to the extent of having a part in the running of the country*") with a seditious intention to promote feelings of ill-will and hostility between different classes of the population of Fiji.

COUNT 2

(Second Accused only)

Statement of Offence

SEDITION: Contrary to section 67 (1) (c) read with section 45 of the Crimes Act 2009.

Particulars of Offence

ANARE RAVULA on or about the 27th day of April 2016 at Suva in the Central Division in his capacity as editor of Nai Lalakai newspaper did aid and abet Hank Arts to publish an article in the Nai Lalakai newspaper which contained a statement, namely "*Ko ira na Musulomani era sega ni taukei kei Viti, sai ira nai lawalawa oqo era a curu botea na vanua eso ka dua vei ira ko Bangladesh mai Idia, kara vei vakamatei kina, kucuvi na nodra yalewa, ra vakararawataki na gone me yacova sara nira sa lewa ka sa nodra tu edaidai*" (translated as "*Muslims are not the indigenous of this country. These are people that have invaded other nations for, example, Bangladesh in India, where they killed, raped and abused their women and children. Today they have gone to the extent of having a part in the running of the country*") which was a seditious publication.

COUNT 3

(Third Accused only)

Statement of Offence

SEDITION: Contrary to section 67 (1) (c) read with section 45 of the Crimes Act 2009.

Particulars of Offence

FRED WESLEY on or about the 27th day of April 2016 at Suva in the Central Division in his capacity as editor-in-chief of Nai Lalakai newspaper did aid and abet Hank Arts to publish an article in the Nai Lalakai newspaper which contained a statement, namely "*Ko ira na Musulomani era sega ni taukei kei Viti, sai ira nai lawalawa oqo era a curu botea na vanua eso ka dua vei ira ko Bangladesh mai Idia, kara vei vakamatei kina, kucuvi na nodra yalewa, ra vakararawataki na gone me yacova sara nira sa lewa ka sa nodra tu edaidai*" (translated as "*Muslims are not the indigenous of this country. These are people that have invaded other nations for, example, Bangladesh in India, where they killed, raped and abused their women and children. Today they have gone to the extent of having a part in the running of the country*") which was a seditious publication.

COUNT 4

(Fourth Accused only)

Statement of Offence

SEDITION: Contrary to section 67 (1) (c) Crimes Act 2009.

Particulars of Offence

HANK ARTS on the 27th day of April 2016 at Suva in the Central Division in his capacity as the publisher of Nai Lalakai newspaper published an article in the Nai Lalakai newspaper which contained a statement, namely "*Ko ira na Musulomani era sega ni taukei kei Viti, sai ira nai lawalawa oqo era a curu botea na vanua eso ka dua vei ira ko Bangladesh mai Idia, kara vei vakamatei kina, kucuvi na nodra yalewa, ra vakararawataki na gone me yacova sara nira sa lewa ka sa nodra tu edaidai*" (translated as "*Muslims are not the indigenous of this country. These are people that have invaded other nations for, example, Bangladesh in India, where they killed, raped and abused their women and children. Today they have gone to the extent of having a part in the running of the country*") which was a seditious publication.

COUNT 5

(Fifth Accused only)

Statement of Offence

SEDITION: Contrary to section 67 (1) (c) read with section 51 of the Crimes Act 2009.

Particulars of Offence

FIJI TIMES LIMITED, a company having its registered office at 177 Victoria Parade, Suva, on the 27th day of April 2016 at Suva in the Central Division printed the Nai Lalakai newspaper which contained an article which contained a statement, namely "*Ko ira na Musulomani era sega ni taukei kei Viti, sai ira nai lawalawa oqo era a curu botea na vanua eso ka dua vei ira ko Bangladesh mai Idia, kara vei vakamatei kina, kucuvi na nodra yalewa, ra vakararawataki na gone me yacova sara nira sa lewa ka sa nodra tu edaidai*" (translated as "*Muslims are not the indigenous of this country. These are people that have invaded other nations for, example, Bangladesh in India, where they killed, raped and abused their women and children. Today they have gone to the extent of having a part in the running of the country*") which was a seditious publication.

DATED at Suva on this 23rd day of March, 2017.



Christopher T. Pryde

DIRECTOR OF PUBLIC PROSECUTIONS