



PRESS RELEASE (No. 5 of 2013)

## **CONSTITUTIONAL IMMUNITY CHALLENGE DISMISSED**

The Constitutional Redress application by a police officer charged with abuse of office has been dismissed by the High Court yesterday (18.11.13).

Meli Sateki brought an application in the High Court claiming the Constitutional immunity provision under section 157 of the 2013 Constitution applied to him as a police officer and sought orders that the charge against him be quashed.

The Director of Public Prosecutions, Mr Christopher Pryde, appearing for the State, submitted that the application was fundamentally flawed since the application should have been brought in the civil jurisdiction of the High Court.

In addition, he argued that any dispute as to charges or evidence or interpretations of law were matters that should properly be handled by the Magistrates' Court in the normal course of the criminal proceedings.

He said that an attempt to use the constitutional redress provisions of the Constitution when there was an alternative remedy available in the Magistrates' Court amounted to an abuse of process.

In dismissing the application, Judge Madigan said the application was abusive and vexatious.

The State was represented by the Director of Public Prosecutions, Mr Christopher Pryde and State Counsel, Ms Supreena Naidu. The application was brought on behalf of Meli Sateki by Mr Aca Rayawa of Rayawa Law.

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18 November 2013

*The Office of the Director of Public Prosecutions is an independent office established under section 117 of the 2013 Fijian Constitution. The Office of the Director of Public Prosecutions is motivated by the principle that it is in the interests of justice that the guilty be brought to justice and the innocent are not wrongly convicted.*