



THE OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

An Address by the Director of Public Prosecutions, Mr Christopher Pryde, at the Conclusion of the Police Prosecutors' Training Course – 28 November 2014 at the Fiji Revenue & Customs Authority Training Room, Suva

Commissioner of Police, Mr. Bernadus Groenewald;

Chief Executive Officer, FRCA, Mr. Jitoko Tikolevu;

Chief Administrative Officer, Assistance Commissioner of Police, Mr. Henry Brown;

Director Training, Senior Superintendent of Police, Seru Savou;

Force Chaplain, Superintendent of Police, Isireli Kacimaiwai;

Director Police Prosecutions Division, Superintendent of Police Vakacegu Toduadua;

The Course Facilitator, Ms Puamau;

Fellow Prosecutors

1. First, let me congratulate each of you for successfully completing the 2014 Police Prosecutors Training Course. It was a very intensive course and you were no doubt challenged to perform in areas unfamiliar to you. So I congratulate you for your stamina, for your aptitude, for your commitment, and for your ultimate success in completing the course. I would also take this opportunity to thank the course conveners for the

hard work they put into developing this course and especially to our Principal Legal Officer Seini Puamau to whom a lot of the credit is due and the various volunteers who donated their time to assist in giving lectures or participating in moot courts.

2. You will notice that the Certificate that most of you will receive today is a Certificate of Completion rather than a Certificate of Participation. This is because this course is not a course where you attend and sleep for the month. It is a course that demands active involvement from you as a participant through lectures and involvement in group and individual exercises. It is a course that aims to equip you with the minimum skills necessary to discharge your responsibilities as Police Prosecutors on behalf of the State and in your ultimate duty to the courts. It is also a course that is designed to set uniform standards for prosecutions in our courts.

3. Shortly, you will be awarded a Certificate of Completion provided that you have completed the course satisfactorily. Some of you may not have reached this stage for a variety of reasons. Some of you will have exceeded our expectations and excelled and this will also be acknowledged. However, in order to be appointed a Police prosecutor or to continue as a Police Prosecutor in the courts you will need to be able to present this Certificate of Completion as evidence you have reached the required standard. The purpose of this is not only to acknowledge that a certain standard has been met by you personally and professionally but also to give the public confidence that police prosecutors, as lawyers and officers of the court are every bit the equal of their peers in the legal profession.

4. This course, as well as the monthly trainings conducted around the country and other specialist courses run for prosecutors represents a commitment to ourselves and to the public to the need to continually practice and upgrade our skills and our qualifications.

5. The Office of the Director of Public Prosecutions will shortly be launching “Guidelines for Police Prosecutors in Fiji (2014)”. This is a handbook that represents current guidelines issued by the Director of Public Prosecutions to be read in conjunction with the Police Prosecution Division’s Standard Operating Procedures. You will all receive a copy of this Handbook. It is important that you familiarise yourselves thoroughly with both the SOP and the Guidelines which together are intended to cover all aspects of police prosecutions in Fiji.

6. There are a couple of matters in the Guidelines that I wish to draw to your attention. First is the distinction between your role as police officers on the one hand and prosecutors on the other. In Fiji, as you know, the investigation of a criminal matter is separate from the prosecution of that matter in the courts. You are Police Officers and therefore, administratively, you come under the direction, control, and authority of the Commissioner of Police and his officers. You need to follow administrative directions or orders issued by the Commissioner or through his officers.

7. However, in terms of prosecution, you come under the direction and control of the Director of Public Prosecutions and his officers. This is because the Constitution states that it is the Director of Public Prosecutions that controls criminal proceedings in Fiji other than proceedings brought by FICAC.

8. Section 117 (9) of the Constitution states that the DPP's powers may be exercised personally "or through other persons acting on the Director's instructions." It also states (s.117 (11)) that the DPP may appoint any legal practitioner to be a public prosecutor for the purposes of any criminal proceeding. This means that the DPP is the ultimate controller of criminal proceedings in Fiji.
9. As Police Prosecutors, therefore, and appointed as such by the DPP, your authority to act comes from this Constitutional power given to the DPP.
10. Therefore, it is important to remember that if a direction is given by the DPP or one of his officers, for example, to withdraw a matter from prosecution you need only ensure that it is a direction from the DPP. Conversely, you have no authority to withdraw any matter from the court without the DPP's explicit written instructions. Failure to follow this rule may mean that your appointment as a Police Prosecutor is revoked and you will have to answer to the Police Commissioner as to why you are being paid a salary as a Police Prosecutor but are unable to prosecute any matters in court.
11. If you are in doubt, always seek advice and ensure that you record that advice even if it is just a simple notation on the file. This is to protect you in the event a decision is challenged later. Ultimately, all decisions related to prosecutions are made by the DPP so if the DPP has directed you to take a particular course of action, then it is the DPP that will take responsibility for that decision and not you. If however you take the decision against the direction or instructions of the DPP or without

referring the matter for decision to the DPP or through his officers, then you will take the responsibility and the consequences for that decision alone. So, be safe, and if in doubt, seek advice. The DPP officers are also always ready to assist so please feel free to approach them if you are unsure of something or are having difficulties. On rare occasions, a DPP officer may need to intervene in a case you are prosecuting. If this happens you must follow their directions. Remember, we are all working for the same cause and we all have an interest in seeing that prosecutions before the courts of Fiji are properly conducted.

12. Finally, the work you do is important. It is also, at times, incredibly stressful. As Police Prosecutors you are at the coal face of the criminal justice system and need to deal with a large number of files in quick succession. It is not an easy job and it is not one for the faint-hearted. But it can be very rewarding. Those rewards come when we train, when we practise, when we refine our technique. The job can often seem overwhelming. Remember to stay calm and not panic. The most seemingly intractable problem can be resolved with a little patience and clear-thinking. When you think the file load is getting on top of you try to remember the wise advice of the King to the White Rabbit in Alice in Wonderland. "Begin at the beginning and go on till you come to the end: then stop."

13. Once again, I congratulate all of you for successfully completing the course and I wish you all the very best for your career in prosecutions. I now declare the course closed.

Thank you.

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