



THE OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

“Sharing Information and Intelligence: A Fijian Perspective”

An Address by the Fijian Director of Public Prosecutions, Mr Christopher Pryde, for the Thirty-Second International Symposium on Economic Crime held at Jesus College, Cambridge, UK - Session VII on Thursday, 4th September 2014.

Professor Barry Ryder;

Professor Chizu Nakajima;

Mr Saul Froomkin QC;

Mr. George Staple, Q.C;

Members of this Panel;

Distinguished Guests;

Ladies and Gentlemen;

1. First, let me thank Professor Ryder, Professor Nakajima, Mr Froomkin QC, Angela Futter, and the organisers of the Symposium for inviting me to speak to you this afternoon on the topic “Sharing Information and Intelligence”.

2. In fact, the ability to muster and co-ordinate at least three separate Fijian government agencies, including members of our judiciary to attend this wonderful Symposium in Cambridge represents for us a great example of information sharing and intelligence. I think the Fiji delegation has probably travelled the furthest to be here this week taking some 28 hours on average to arrive since leaving our capital, Suva! We are all delighted to be here. Bula vinaka to everyone from Fiji.

3. For those of you unfamiliar with Fiji, it is a South Pacific island nation, some 2,000 km northeast of New Zealand, with a population approaching one million and a developing economy largely dependent on tourism and agriculture. We inherited (many of) our institutions from Great Britain, as a former colony, and those institutions would be recognisable to many of you from other jurisdictions. While Fiji has sometimes struggled since Independence in 1970 to maintain political stability and social cohesion, we are about to celebrate a landmark occasion - a general election on September the 17th for the country's first ever truly democratically elected parliament. So this is an extremely important month for Fiji and one which we hope will lay the foundation for the continued strengthening of all our institutions.

4. Despite challenges over the past few years Fiji has implemented significant reforms to its criminal laws and procedures in order to better cope with an increase in non-traditional criminal activities such as human trafficking, money laundering, and drug smuggling which were largely unheard of just a few years ago.

5. The increase in these types of crimes has greatly affected law enforcement in the Pacific and in Fiji. In the past, given Fiji's size and small population we could quite happily rely on traditional methods of

policing. But now, not only is Fiji not immune to the global rise of these transnational crimes, it is actually more vulnerable as criminals seek to exploit weaknesses in the global net of law enforcement.

6. The difficulty for Fiji has been in the co-ordination of the various law enforcement agencies and overcoming an entrenched administrative culture of steadfastly refusing to share information. The traditional view has often been that information gathered through the efforts of one agency remains that particular agency's exclusive property. Sharing information is viewed suspiciously lest a "rival" agency trespass on one's own jurisdiction.
7. This introspective attitude has led to problems. In 2010, for example, Fijian authorities investigated and successfully prosecuted Fiji's first human trafficking case under the newly enacted Crimes Decree. The accused was charged with and convicted of having trafficked 7 persons to Fiji. He was also charged with and convicted of obtaining property by deception.
8. The offence was detected at the border by customs agents who then handed the suspects over to Immigration Officers.
9. The Immigration Department then proceeded to deal with the matter independently and unfortunately, mishandled monies which had been found in the possession of the suspect. The money was used by the immigration officers to purchase sundry items for the suspect as they awaited further instructions from their superiors.

10. The Immigration Department then made a decision to investigate the matter on its own without informing anyone.
11. Around the same time, the Fiji Police Force had established its own Human Trafficking Taskforce independently and a tug of war for control of the matter then ensued between the Immigration Department and the Fiji Police Force each claiming they were responding to their own tip-offs.
12. The Fiji Police Force believed that they were better equipped and better suited to investigate the matter while the Immigration Department argued it came under their jurisdiction. After negotiations brokered by the ODPP, the Immigration Department finally agreed to hand over the case to the Police. By the time this agreement was made, 11 days had passed and by then all of the money had been spent on behalf of the accused.
13. It was not until the Police had taken over, that it was discovered that more likely than not, the money initially found on the suspect may well have been proceeds paid to the suspect by the victims. This provided evidential difficulties later for the prosecution although not insurmountable and the suspect was eventually convicted and sentenced to imprisonment for 10 years.
14. Another recent example of a lack of information sharing between agencies in Fiji occurred when the law enforcement branch and the intelligence branch of the same law enforcement organisation were involved in a rather embarrassing “blue on blue” incident. A reformed criminal had been recruited by the Police to infiltrate a gang of

criminals. The vehicle given to the reformed criminal *cum* undercover agent was an unmarked Police issued vehicle.

15. The gang of criminals targeted a businessman's residence. During or very shortly after the robbery, the businessman telephoned and reported the crime directly to his friend, the head of the nearest law enforcement branch, who immediately took action. Arrests were eventually made in respect of the gang, but the law enforcement branch, following a lead went after the unmarked vehicle and the reformed prisoner *cum* undercover agent only.
16. A third recent example was an international operation involving the Fiji Police and the US Federal Bureau of Investigations. Due to the sensitivity of the case other governmental agencies were not made aware of the operation with the result that the eventual arrest and extradition hearing of the suspect who was involved in passport fraud was substantially delayed.
17. What these examples show is that a failure to properly co-ordinate and share information and intelligence provides a weakness that can be easily exploited.
18. As every law enforcement agent knows, pursuing criminals requires secrecy not information sharing, because of the very real concern that the premature release of information can derail investigations and ultimately destroy any chances of successful criminal prosecutions, because once criminals know that they are of interest to law enforcement, witnesses may be interfered with and evidence often disappears.

19. But on the other hand, lack of information sharing can result in some potentially embarrassing and in some instances, potentially very dangerous “blue on blue” incidents.
20. Where once upon a time there were clear demarcations between government agencies restricting the exchange of information the changing nature of criminal activity in Fiji and the pacific region means there is a greater need for the sharing of information and intelligence.
21. It became clear to Fiji following these examples that without more formal structures in place to promote the sharing of information and intelligence, Fiji would be unable to cope with the rise in these non-traditional crimes and the increasingly sophisticated criminal syndicates that target these weaknesses in law enforcement. So, what have we done?
22. In terms of the detection and prosecution of money-laundering offences, the Fijian Government in 2006 established the Fiji Financial Intelligence Unit (FIU) which provides an excellent starting point for Police investigations.
23. At the same time, the Fijian Government established a National Anti-Money Laundering Council comprising the heads of various government departments. This multi-agency body helps ensure that Fiji’s law enforcement and financial intelligence agencies adopt uniform and cooperative policies and measures in the fight against money laundering in Fiji.

24. A similar strategy has been implemented for multi-agency information sharing in response to the jurisdictional issues raised in Fiji's first human trafficking case. In 2012 Fiji established a joint inter-agency Trafficking in Persons group which resulted in the successful prosecution of four organised crime figures: one from Thailand; one from Hong Kong; and two from Fiji.

25. A third agency, the Transnational Crime Unit (TCU) has also recently been established. This unit deploys agents within the Fiji Police Force; at the borders on joint attachment with both the Customs and Immigration Departments; and at the Fiji Revenue and Customs Authority Headquarters in Suva; Fiji's capital city. The agents at the border have been responsible for the successful detection of numerous illicit drug imports and exports. The presence of TCU agents across law enforcement is made possible through memoranda of understanding that clearly set out the scope and protocols of these joint operations.

26. The TCU are responsible for immediately notifying the Fiji Police Force; obtaining key information from Customs and Immigration Agents; and facilitating the statement taking process and the proper handing over of all exhibits gathered, along with maintaining the appropriate chain of custody records which are also handed over to the Fiji Police Force.

27. It is not unusual to see for the purposes of international illicit drugs prosecutions a line-up of witnesses from the Fiji Police Force, the Customs Department, the Immigration Department and, in many cases, personnel from overseas police agencies.

CONCLUSION

28. Fiji's successes in terms of the detection, investigation and prosecution of crimes have arisen in instances where there has been close cooperation between agencies and this cooperation is strongest in Fiji in sectors where intelligence and information sharing is governed by multi-agency working groups; or where liaison officers from one agency are based in multiple agencies.

29. Fortifying and informing these cross agency intelligence and information sharing activities are strong enabling laws and cohesive policy frameworks. The success of these multi-agency groups in sharing information and intelligence has helped to change the traditional administrative culture, break down jurisdictional walls and build trust amongst agencies. We have seen that where these groups have been established and where agencies have been given a forum to discuss issues freely, we have witnessed greater success.

30. As J.R.R. Tolkien (an Oxford man) wrote: "*It does not do to leave a live dragon out of your calculations, if you live near him.*" A multi-agency approach backed by clear and cohesive policy will, hopefully, help us to continue to deal more effectively with crimes both domestic and international.

I thank you for listening to me.

-----END-----