

RIGHTS OF ACCUSED PERSONS:

Section 14 of the Constitution of the Republic of Fiji:

Rights of accused persons -

“14 – (2) Every person charged with an offence has the right –

(a) to be presumed innocent until proven guilty according to law;

(b) to be informed in legible writing, in a language that he or she understands, of the nature of and reasons for the charge;

(c) to be given adequate time and facilities to prepare a defence, including if he or she so requests, a right of access to witness statements;

(d) to defend himself or herself in person or to be represented at his or her own expense by a legal practitioner of his or her own choice, and to be informed promptly of this right or, if he or she does not have sufficient means to engage a legal practitioner and the interest of justice so require, to be given the services of a legal practitioner under a scheme for legal aid by the Legal Aid Commission, and to be informed promptly of this right;

(e) to be informed in advance of the evidence on which the prosecution intends to rely, and to have reasonable access to the evidence;

(f) to a public trial before a court of law, unless the interests of justice otherwise require;

(g) to have the trial begin and conclude without unreasonable delay;

(h) to be present when being tried, unless –

(i) the court is satisfied that the person has been served with a summons or similar process requiring his or her attendance at the trial, and has chosen not to attend;

or (ii) the conduct of the person is such that the continuation of the proceedings in his or her presence is impracticable and the court has ordered him or her to be removed and the trial to proceed in his or her absence;

(i) to be tried in a language that the person understands or, if that is not practicable, to have the proceedings interpreted in such a language at State expense;

(j) to remain silent, not to testify during the proceedings, and not to be compelled to give self-incriminating evidence, and not to have adverse inferences drawn from the exercise of any of these rights;

(k) not to have unlawfully obtained evidence adduced against him or her unless the interests of justice require it to be admitted;

(l) to call witnesses and present evidence, and to challenge evidence presented against him or her;

(m) to a copy of the record of proceedings within a reasonable period of time and on payment of a reasonably prescribed fee;

(n) to the benefits of the least severe of the prescribed punishments if the prescribed punishment for the offence has been changed between the time the offence was committed and the time of sentencing;

and (o) of appeal to, or review by, a higher court.