



PRESS RELEASE (No. 10 of 2016)

NO BREACH OF PUBLIC ORDER ACT

The Director of Public Prosecutions, Mr Christopher Pryde, (DPP) has decided there is insufficient evidence to charge those persons arrested and detained for a suspected breach of section 8 of the Public Order Act. The DPP has also decided that there is insufficient evidence to charge anyone in relation to a possible charge of incitement contrary to section 48 of the Crimes Decree.

Jone Dakuvula, Sitiveni Rabuka, Mahendra Chaudhry, Biman Prasad, Tupeni Baba, and Attar Singh were arrested and detained on the 10th and 11th September 2016 on suspicion of having breached the Public Order Act 1969 (as amended) by attending a public meeting on the 5th September 2016 when no permit had been issued by the Divisional Police Commander.

Mr Pryde said, "Following a careful review of the evidence, I am satisfied that there is insufficient evidence to sustain a charge for a breach of the Public Order Act in so far as there was no intention on the part of these persons to attend the meeting in breach of the Act.

In other words, other than the event organiser, Jone Dakuvula, they did not attend the meeting knowing that no permit had been issued by the Divisional Police Commander. Mr Dakuvula was responsible for obtaining a permit and appeared to believe that because the meeting was to be held in a church, no

permit was required. This is incorrect. Members of the public need to be aware of the restrictions surrounding public meetings under the Public Order Act and its amendments, which include meetings at places to where the public are given access notwithstanding the meeting may take place in a church. Mr Dakuvula however will not be charged since neither the Public Order Act, nor its amendments, provide an offence for failing to apply for a permit.

It also needs to be understood that the Police have powers to stop and disperse any public meeting if they suspect on reasonable grounds that there has been a breach of the Act or that they believe a breach of public order may occur.”

In relation to their arrest and detention Mr Pryde said, “I also conclude that the arrest and detention of the persons suspected of having committed an offence was lawfully justified by the Police under the Public Order Act and its amendments.

However, whilst the arrest and detention was legally justified under the Act, I have concerns that it took the Police five days after the meeting to act when they must have been aware that the Divisional Police Commander had not granted the permit. It would also appear that the Police were selective in who they arrested, given that a large number of people had taken part in the public meeting.”

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17 October 2016

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.
