



PRESS RELEASE (No. 5 of 2014)

**“MISUNDERSTANDING THREATENS THE INDEPENDENCE OF THE  
CRIMINAL JUSTICE SYSTEM”**

**STATEMENT BY CHRISTOPHER PRYDE, DIRECTOR OF PUBLIC  
PROSECUTIONS.**

In an article published in the Fiji Sun on Saturday 7 June 2014 entitled “Welfare of Children Paramount” Lynda Tabuya of the Peoples’ Democratic Party (PDP) stated in reference to the death of a four-year child that the State “has taken no action to charge the parents for criminal negligence.”

Ms Tabuya is then quoted as saying that the PDP will “enforce prosecution upon those who purposefully neglect their children as a deterrence.”

Ms Tabuya has not been properly advised and her statement is incorrect. All suspicious deaths are investigated by the Police but the ultimate decision by the State to charge the parents is made by the Director of Public Prosecutions (DPP). The file in this matter will be reviewed by the Office of the Director of Public Prosecutions (ODPP) in the normal course once investigations from the Police have been completed which is expected by the end of next week. A final decision on what charges, if any, will then be made by the DPP. It is incorrect therefore to state that no action has been taken.

Ms Tabuya should also note that in the past year the Police have referred six separate matters involving the deaths of children as a result of negligence to the ODPP resulting in five prosecutions being initiated in the courts. These have been well publicised in the media.

In relation to Ms Tabuya's comment on "enforcing prosecution", section 117 of the Constitution states that it is the DPP that is the sole authority in deciding whether to initiate criminal proceedings. That decision is made according to the sufficiency of evidence and whether it is in the public interest. A decision to prosecute or to discontinue criminal proceedings is made by the DPP alone and without reference to or in consultation with the Attorney-General or any other Minister or Government entity.

The position by the PDP therefore that they intend to "enforce a prosecution" is unconstitutional and amounts to an improper interference in the independence of the ODPP and the criminal justice system.

The ODPP is concerned that certain politicians are attempting to mislead the public in relation to criminal justice matters.

If political parties are unclear on the Constitution and how it relates to the criminal justice system, they are invited to seek clarification directly from the ODPP.

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9 June 2014

*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.*