



PRESS RELEASE (No. 9 of 2014)

DPP ALONE HAS POWER TO WITHDRAW CHARGES

The Director of Public Prosecutions responds to a report in the Fiji Times dated 1 October 2014 under the heading “Withdrawal a Challenge” wherein the Co-ordinator of the Fiji Women’s Crisis Centre is quoted as saying “Police are often helpless when women report their husbands and after they do the work, the women withdraw the charges.”

Mr Pryde wishes to assure women that are victims of domestic violence that there are procedures under Fijian laws such as the Criminal Procedure Decree and the Domestic Violence Decree that can be implemented to protect them. These procedures include measures such as restraining orders against the accused and name suppression in court. The State is also able to assist victims in terms of witness allowances and referrals to counsellors.

However, Mr Pryde said that once a complaint has been made to the Police and a charge filed in court, it is the Director of Public Prosecutions alone and not the victim that has the power to withdraw a charge.

“Charges are only laid against a person if there is a reasonable prospect of a conviction in court. In particular, all cases of rape are reviewed by the Office of the Director of Public Prosecutions and women can be assured that if they make

a complaint of sexual assault against anyone, including a husband, their complaint will be taken seriously and they will be supported in their decision.

Once those charges are laid, however, the complainant needs to come to court and give evidence. Offences such as rape are not reconcilable offences which means that forgiving an accused and then wanting to withdraw the charge is not an option.”

Mr Pryde also said that “rape is an extremely serious charge and it would be only in exceptional circumstances that we would allow a charge of rape to be withdrawn once it is before the courts.”

The Office of the Director of Public Prosecutions is currently working on a brochure to raise awareness of victim’s rights and their role and responsibilities in the criminal justice system.

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1 October 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.