



## **THE OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS**

*An Address by the Director of Public Prosecutions, Mr Christopher Pryde, at the Opening Ceremony for the ODPP Basic Prosecution Course – 6 February 2017 at the Police Academy, Suva*

Director Summary Prosecutions,

Director Fiji Police Force Academy,

The Course Convenor Mr Yogesh Prasad and the ODPP Faculty,

Fellow Prosecutors

1. First, let me congratulate each of you on your nominations to this training event and welcome to the 2017 ODPP Basic Prosecution Course.
2. This is a basic prosecution course but a very intensive and comprehensive programme that will teach you the basics of prosecuting in the courts of Fiji. It will be hands on with a mixture of theory and practical exercises. By the end of the course you will be familiar with basic trial preparation and advocacy at the bar table. There will be a lot of material that is new to you and unfamiliar. Do not be dissuaded – persevere through to the end. Do not hesitate to ask questions, if you

need clarification as others in your class will also benefit from the explanations offered in response to your questions.

3. At the end of the day, prosecution training and the need to continually hone our skills is on-going and this is but the beginning of many courses and workshops you will be expected to participate in throughout your career. For those who are police prosecutors, you will be expected to satisfactorily complete this course before you will be able to conduct trials in the Magistrates' Courts. You will also be expected to attend and pass the more advanced prosecution course that will take place later in the year.
4. Participation in this course and in the monthly Saturday training workshops conducted around the country and other specialist courses run for prosecutors throughout the year represents an on-going pledge to ourselves and to the public of Fiji that we are serious about our commitment to high standards in prosecutions.
5. I am pleased to note the participation of 23 officers from the Fiji Police Force Summary Prosecutions Division, as well as 20 officers from the Ministry of Forests and Fisheries, the Nausori Town Council, the Water Authority of Fiji, the Fiji National Provident Fund, the Commerce Commission, the Fiji Revenue and Customs Authority, the FICAC, the Labasa and Lami Town Councils, and the Ministries of Labour and Health.

6. In Fiji, as you know, in terms of police prosecutions, the investigation of a criminal matter is separate from the prosecution of that matter in the courts. As police officers and civil servants, administratively, you come under the direction, control, and authority of the Commissioner of Police and his officers or your respective permanent secretaries or agency heads. You need to follow administrative directions or orders issued by the Commissioner or through his officers or through your permanent secretaries or agency heads.
7. However, in terms of prosecutions, you come under the direction and control of the Director of Public Prosecutions and his officers. This is because the Constitution states that it is the Director of Public Prosecutions that controls criminal proceedings in Fiji other than proceedings brought by FICAC.
8. Section 117 (9) of the Constitution states that the DPP's powers may be exercised personally "or through other persons acting on the Director's instructions." It also states (s.117 (11)) that the DPP may appoint any legal practitioner to be a public prosecutor for the purposes of any criminal proceeding. This means that the DPP is the ultimate controller of criminal proceedings in Fiji.
9. As police prosecutors, therefore, and appointed as such by the DPP, your authority to act comes from this Constitutional power given to the DPP. As prosecutors in other agencies you will have been appointed by your respective heads, however the conduct of the prosecution is

nevertheless overseen by the DPP and you remain subject to direction by the DPP or his officers.

10. Therefore, it is important to remember that if a direction is given by the DPP or one of his officers, for example, to withdraw a matter from prosecution you need only ensure that it is a direction from the DPP. Conversely, in the case of police prosecutors, you have no authority to withdraw any matter from the court without the DPP's explicit written instructions. Failure to follow this rule may mean that your appointment as a Police Prosecutor is revoked and you will have to answer to the Police Commissioner as to why you are being paid a salary as a Police Prosecutor but are unable to prosecute any matters in court.

11. During this Course, several of you will be hearing directly from the Desk Officers I have assigned for your Department or Ministry. If you are in doubt, always seek advice and ensure that you record that advice even if it is just a simple notation on the file. This is to protect you in the event a decision is challenged later. Ultimately, all decisions related to prosecutions are made by the DPP so if the DPP has directed you to take a particular course of action, then it is the DPP that will take responsibility for that decision and not you.

12. If however you take the decision against the direction or instructions of the DPP or without referring the matter for decision to the DPP or through his officers, then you will take the responsibility and the consequences for that decision alone. So, be safe, and if in doubt, seek

advice. The DPP officers are also always ready to assist so please feel free to approach them if you are unsure of something or are having difficulties. On rare occasions, a DPP officer may need to intervene in a case you are prosecuting. If this happens you must follow their directions.

13. Remember, we are all working for the same cause and we all have an interest in seeing that prosecutions before the courts of Fiji are properly conducted. It is important therefore that you feel you may communicate any problems you have directly to me or any of the ODPP officers. Do not suffer in silence. Officers of the ODPP are there to advise and that advice is free so please take advantage of it.

14. Finally, the work you do is important. It is also, at times, incredibly stressful, particularly for Police Prosecutors who are at the coal face of the criminal justice system and need to deal with a large number of files in quick succession. It is not an easy job and it is not one for the faint-hearted. But it can be very rewarding. Those rewards come when we train, when we practise, when we refine our technique.

15. The job can often seem overwhelming. Remember to stay calm and not panic. The most seemingly intractable problem can be resolved with a little patience and clear-thinking. Above all else, enjoy your work. You have been chosen by your seniors because they have confidence in your abilities to do the job well. We also share that confidence and that is why we are providing this course and the various training programmes

around the country. We are here to support and encourage your growth as prosecutors.

16. Once again, I congratulate all of you on your nomination and acceptance into the Basic Prosecution Course 2017 and I wish you all the very best in your participation and assessments over the next six weeks.

Thank you.

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