



## ODPP MEDIA UPDATE

### **Court of Appeal increases sentence in cocaine case**

Last week, the Court of Appeal increased the sentence of an Australian National and a Fijian man convicted of the unlawful possession of illicit drugs from 14 years to 25 years imprisonment and set the first sentencing tariffs for hard drugs in Fiji.

Joseph Abourizk and Josese Muriwaqa, were convicted of the unlawful possession of illicit drugs contrary to section 5 (a) of the Illicit Drugs Control Act, 2004. They were found in possession of 49.9 kilograms of cocaine worth AUD \$15 million (FJD \$23 million) in Vuda in July 2015. They were sentenced on 29 April 2016 to 14 year's imprisonment with a non-parole period of 12 years.

The two had appealed against their conviction and sentence and the State appealed against their lenient sentence. The State also requested the Court of Appeal to lay down sentencing guidelines for all hard drugs such as cocaine, heroin and methamphetamine and submitted that the sentence should be primarily based on the quantity of drugs rather than the role of individual offenders.

Having considered all the submissions and judicial pronouncements in Fiji and in other jurisdictions, the Court of Appeal set down the following sentencing tariffs for all hard drugs as:

- **Category 1**- *Up to 5 grams- 2 ½ years to 4 ½ years' imprisonment.*
- **Category 2**- *More than 5 grams to 250 grams- 3 ½ years to 10 years' imprisonment.*
- **Category 3**- *More than 250 grams to 500 grams- 9 years to 16 years' imprisonment.*
- **Category 4**- *More than 500 grams to 1 kilogram- 15 years to 22 years' imprisonment.*
- **Category 5**- *More than 1 kilogram- 20 years to life imprisonment.*

The Court of Appeal also said that the sentencing court should consider an appropriate fine in addition to the imprisonment as permitted under section 5 of the Illicit Drugs Control Act 2004 depending on the quantity involved, nature of the act and the degree of involvement of the accused.

Joseph Abourizk and Josese Muriwaqa must now serve 20 years (instead of the original 12 years) before they are eligible for parole.

**-End-**