



PRESS RELEASE (No. 10 of 2019)

NO CHARGES TO BE LAID AGAINST PM IN ASSAULT ALLEGATION

The Director of Public Prosecutions, Mr Christopher Pryde, has decided that no charges will be laid against the Prime Minister in relation to allegations that he assaulted a Member of Parliament in the parliamentary precincts on 9th August 2019.

Mr Pryde said, “Under section 73 of the Constitution, Parliament has the power to discipline members of Parliament. Those powers are further particularised under the Parliamentary Powers and Privileges Act 1965 which provides for the prosecution of offences such as assault committed by one member against another member. Under section 20 of that Act, a person found guilty by Parliament for the offence of assault is liable to a fine of \$400 or to imprisonment not exceeding 2 years or both.

As the altercation occurred within the precincts of Parliament, the Speaker exercised his authority and referred the matter to the Privileges Committee to hear evidence of the matter and to make findings on the allegation. Those findings were accepted by Parliament which then endorsed and implemented a penalty.

The constitutional separation of powers doctrine applies to prevent the courts and the executive from interfering with a decision made by Parliament in the exercise of its constitutional authority. Therefore, as the matter has now been dealt with by the Privileges Committee and those findings and recommendations have been accepted by Parliament, it would not be in the public interest for a second hearing to take place before the judiciary in the criminal courts. This would, in effect, be subjecting the Prime Minister to double jeopardy contrary to section 14 (1) (b) of the Constitution after his matter has already been adjudicated on by the Privileges Committee and a decision made by Parliament after hearing the evidence from witnesses.

Had the matter not been heard by the Privileges Committee and dealt with by Parliament, there was sufficient evidence for the matter to proceed to court.

Accordingly, for these reasons, there will be no further action on this file and the matter is now closed. The police docket has been returned to the police.”

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17 October 2019

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.
