



PRESS RELEASE (No.7 of 2020)

High Court grants Fiji's first unexplained wealth declaration

The Director of Public Prosecutions (DPP) was successful in obtaining Fiji's first unexplained wealth declaration in the Lautoka High Court today (10.12.20).

The DPP's application to the High Court for an unexplained wealth declaration was in relation to \$28,000 cash found in possession of the respondent Keshni Lata.

The cash was found in Ms Lata's possession after a police search of the vehicle she was travelling in on 1 March 2019. She claimed the money was from the sale of another vehicle. The State had argued that the money was the proceeds from the sale of illicit drugs for which her husband was under investigation.

As well as making a declaration that the \$28,000 was unexplained wealth, the Lautoka High Court ordered that the \$28,000 be forfeited to the State.

The Proceeds of Crime (Amendment) Act 2012 allows the Director of Public Prosecutions to apply to the High Court (Civil Jurisdiction) for an unexplained wealth declaration in respect of any person who maintains a standard of living above that which is commensurate with his or her present or past emoluments or in respect of any pecuniary resources or property disproportionate to a person's present or past lawful emoluments.

The DPP said: "Although the amendment to the Proceeds of Crime Act was enacted in 2012, this is the first time we have successfully applied for and been granted an unexplained wealth declaration. As a matter of policy, we make these applications sparingly and only in conjunction with existing criminal proceedings. In this case, although Ms Lata was not charged with any criminal offence, her husband was being investigated for dealing in illicit drugs. We argued that this money was suspected to be proceeds from the criminal activity

and Ms Lata was unable to provide credible evidence that she had obtained the money legitimately. The money has now been forfeited to the State. With the establishment of our Proceeds of Crime Task Force, we expect more of these applications to be made in the future.”

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10 December 2020

NB: *A copy of the Decision has been uploaded to the ODPP website.*