



THE OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

The Opening Address by the Director of Public Prosecutions, Mr Christopher Pryde, at the ODPP Conference on Friday 21st June 2019 at Pacific Harbour.

Members of the Judiciary;

The Deputy Police Commissioner;

Permanent Secretaries and senior civil servants;

Members of NGOs;

Members of the Fiji Police Force including the police prosecutors;

Officers of the ODPP and the Legal Aid Commission;

Honoured Speakers;

Fellow Colleagues.

I would like to begin by extending a very warm welcome to each and every one of you for attending our 2019 ODPP Conference at Pacific Harbour. This is the first ODPP Conference that has been held in a very long time (at least 10 years) but I can assure you that the long hiatus between conferences has now ended and the ODPP will return to the tradition of hosting an annual conference each year from this year on.

We have not been idle during this self-imposed interregnum. In the last several years we have been developing our in-house training teams and have hosted numerous mini conferences, weekend workshops, basic and

advanced prosecution courses, as well as our weekly talanoa sessions. These have been hugely successful in helping us develop critical skills and better understand the legal environment within which we operate and the issues we need to deal with but attendance has been largely confined to the officers of the ODPP and our immediate family in the Fiji police force and police prosecutions.

We became aware that there was a need to talk more about criminal law issues with a wider audience, not only with our learned friends from the private defence Bar and those from the Legal Aid Commission but also those people belonging to non-governmental organisations with whom we interact often and sometimes on a daily basis and so I am very pleased to see so many of you here today as speakers and as participants and I hope that the conference will be an opportunity for you to share your experiences with us and let us know if we are, indeed, on the right track.

In Fiji, one person is raped on average every day. That person is almost always a woman and almost always living in a rural setting. The attackers are nearly always men and are known to the victims either through village connections or as close family members. These are what our monthly statistics tell us. But is this the true extent of the problem? What are the statistics not telling us?

What can we do as an office to ensure that the rights of victims are protected and at the same time ensure we elicit the best evidence to put before the court?

We have recently persuaded the Supreme Court to raise the sentencing tariff for child rape to a sentence of between 11 to 20 years imprisonment. This is one of the highest tariffs (if not the highest tariff) for rape in the Pacific. Is this enough? Is it too much? Should there be other sanctions? What about treatment for offenders while they are confined? What should happen to them when they leave?

These are some of the issues and questions that will be addressed on our first day and we have a terrific line-up of speakers to help us come to terms with these issues.

On day two, and I note, not too early, we will be looking at children in conflict with the law.

Last month we commenced a prosecution against an 11-year-old boy for the rape of a three-year old girl. Should this matter even be in the courts? The law allows us to prosecute people between the ages of 10 and 14 provided we can prove an adult understanding of culpability but are the courts the most appropriate venue. Is there something else we should be doing?

Once the matter is in the court, how should we treat the child accused and how do we balance his right to a fair trial with the right of the child victim to be protected from reliving the trauma of the crime in a public venue?

The Criminal Procedure Act allows the prosecution to make applications for the protection of the child witness to lessen the trauma of giving evidence and being cross examined on that evidence. Applications include having the evidence recorded earlier by video so that the child only need appear in court to be cross examined. We can make applications for screens so the child does not need to be confronted by the sight of the accused. Applications can include less formality; wigs can be removed, judges can sit at ground level. There can be restrictions on the types of questions asked by self-represented accused. Are these enough? How ethical is it for the defence to object to these applications? Should they be objecting?

These are some of the issues that we will confront on day 2 and, as with day 1, we have an impressive line-up of speakers.

I know the discussions will be robust and challenging and this is what we want. Our office remains a work in progress and it is only through reviewing and challenging our procedures and our approaches that we learn. Are we on the right track? What are we doing well? What do we need to change? The Office of the DPP is not wedded to a particular approach in terms of prosecuting sexual crime in Fiji other than what the law requires and we remain open to challenge in terms of methodology and approach.

Later this year we hope to release our revised Guidelines on Prosecuting Child Sexual Abuse cases and other crimes against children. We will also be reviewing and updating our Prosecution Code. We plan to appoint a victim support officer within our Child Protection Division who will work with

vulnerable witnesses and our legal officers. These are big projects. We need to ensure that our guidelines and our codes and our victim support services are fit for purpose and truly serve the interests of justice which includes all participants in the criminal justice system, perpetrator and victim alike.

It is my hope that during this conference we will arrive at some common understandings with regard to criminal prosecutions in Fiji. As we listen to the speakers and actively contribute to the discussions we will need to be continually asking ourselves – Are we on the Right Track?

I would like, therefore, again, to thank everyone for attending, especially those speakers who have travelled so far to be with us, and I look forward to meeting everyone throughout the two days not just during our day sessions but also at our social functions in the evening.

Thank you very much and I will now hand you back over to Ms Fatiaki.

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