



## PRESS RELEASE (No. 3 of 2022)

### **“Minister’s comments are inappropriate”**

#### **Statement by Christopher Pryde, Director of Public Prosecutions**

In an article published in the Fiji Times on 9<sup>th</sup> June 2022 entitled “Judiciary Reminded of Roles” the Minister for Women, Children and Poverty Alleviation, Rosy Akbar, said she would “lobby for stricter measures in every single case of domestic violence and sexual offences because it could save lives.”

Sentencing is a judicial function and undertaken carefully by the courts upon conviction of an accused person in accordance with the Sentencing and Penalties Act 2009 and the relevant judicial tariffs for the offence. The courts impose sentences that reflect the seriousness of the offending and take into account the various aggravating and mitigating factors particular to each individual case. Fiji has some of the strictest sentences for sexual offending in the Pacific. The sentence for rape in Fiji is life imprisonment and the Supreme Court in 2018 increased the tariff on child rape from 11 to 20 years imprisonment and stated that, in particularly heinous cases, the courts will exceed that tariff.

It is therefore inappropriate for the Minister, as a member of the executive branch of government, to attempt to interfere in the sentencing process which is clearly a judicial function. Any changes to the statutory law need to be brought before parliament and sentencing of a convicted person needs to be

done independently by the courts applying parliament's law without interference.

The article also reported that the Minister had met the child who had witnessed the Volivoli homicide. As this matter is subject to a police investigation, it is inappropriate for the Minister to be contacting State witnesses in any capacity as it may potentially jeopardise any future prosecution. There are procedures in place to deal with vulnerable witnesses such as children, and it is important that only professionally-trained people are involved in the process in order to minimise the child's trauma and safeguard the evidence.

There is a reason that the Constitution separates the functions of the executive, the legislature, and the judiciary. Each have prescribed functions and the boundaries separating each branch of government need to be respected.

Issues such as bail or sentencing are judicial functions and the judiciary need to be allowed to make decisions on these matters without lobbying or other pressures being placed on them outside the court process.

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9 June 2022

*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.*

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