



ODPP MEDIA UPDATE

DPP files appeal against the former PM and suspended COMPOL's sentences

The Acting Director of Public Prosecutions, Mr John Rabuku, has filed an appeal against the sentence of the former Prime Minister, Voreqe Bainimarama and suspended Commissioner of Police, Sitiveni Qiliho.

The former PM was granted an absolute discharge while the suspended COMPOL received a conditional discharge with a fine of \$1500 this morning (28.03.24) by the Suva Magistrates Court.

Voreqe Bainimarama was charged with one count of attempted to pervert the course of justice and Sitiveni Qiliho was charged with one count of abuse of office. The former PM and the suspended COMPOL were found not guilty and acquitted accordingly by Resident Magistrate Seini Puamau at Suva Magistrates Court on 12 October 2023. The State had filed an appeal against their acquittal where the Acting Chief Justice then overturned the Magistrate's decision and found the two guilty as charged. The matter was then sent back to the Magistrates' Court for sentencing.

In sentencing the duo, Magistrate Puamau announced that both their convictions would not be registered.

Mr Rabuku said, "The sentence delivered by Magistrate Puamau is unsatisfactory, is wrong both in fact and in law and does not reflect the considerations and tariff of cases or matters of similar nature."

The State has filed four grounds of appeal, and they are as follows:

- a. That the sentence imposed by the learned Magistrate against both the Respondents are manifestly lenient and in breach of sentencing principles, case laws and the tariff set in other similar matters and offences.

- b. That the learned Magistrate erred in law and in fact when she made a finding that there were no aggravating factors against the Respondents.
- c. That the learned Magistrate erred in law and in fact in considering irrelevant factors in sentencing the Respondents; and
- d. That the learned Magistrate erred in law and in fact when she made a finding that there was no victim and that the offending was a technical breach by both Respondents.

The Notice of Appeal against the sentence was filed in the High Court this afternoon (28.03.24).

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