



OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

ANNUAL REPORT 2013



“The rights and protections outlined in the 2013 Constitution so far as the criminal justice system is concerned are fundamental and will continue to be enforced through the court process to ensure a trial is fair; this being the most fundamental of all criminal justice rights.

The 2013 Constitution can give Fijians confidence that basic rights are being protected and will continue to be developed as the criminal jurisprudence in Fiji continues to expand.”

Mr Christopher Pryde, Director of Public Prosecutions, at the 15th Annual Attorney Generals Conference, December 2013.

Director's Foreword



DPP, Mr Christopher T. Pryde

In September 2013, Fiji marked a watershed moment with the promulgation of a new Constitution, following extensive consultations around the country. In marking the occasion, the Prime Minister referred to it as “a Constitution that meets the test of a genuine democracy that upholds the legal and moral basis of a common and equal citizenry without losing individuality or culture.”

The Office of the Director of Public Prosecutions (ODPP) continues its existence by way of section 117 of the new Constitution. This provides for a greatly strengthened independent ODPP by granting the Director, for the first time ever, full control over a parliamentary-approved budget, as well as control over administrative staff and the appointment of legal counsel.

In order to give the Fijian public confidence that this independence will be exercised responsibly, the ODPP will be publishing a number of documents throughout 2013 to better inform the public about the powers and functions of the ODPP and its role in the criminal justice sys-

tem. In addition, we intend publishing booklets, such as a Prosecution Handbook, a Code of Conduct, a revised Prosecution Code, and a Human Resources Manual to guide the staff of the ODPP and ensure that decisions of the ODPP are principled and transparent. These documents will also be made available to the public.

For individuals subject to the criminal justice system, the 2013 Constitution introduces some new rights, restates some already existing rights, and modifies others, such as the common law right to silence by requiring the authorities to not only inform a suspect of their right to silence but to inform them of the consequences of not exercising their right to silence.

Many of these rights are fundamental and have been enforced through the courts of Fiji for many years. The fact that these rights are now expressed in the 2013 Constitution reinforces the importance of these rights in the collective consciousness of the nation.

Director's Foreword

The ODPP will need to ensure its officers, including police prosecutors and those prosecuting under the delegated authority of the Director of Public Prosecutions, are fully aware of the wide range of rights afforded to individuals that are subject to the criminal justice system.

To assist with this, the ODPP has been conducting in-house monthly training sessions for all state prosecutors, including police prosecutors, as well as encouraging our lawyers to participate in regional and international conferences. These training sessions are complemented by our continued weekly Professional Officers Talanoa Session (POTS), which is compulsory for all legal officers.

Finally, I would like to acknowledge the work and enthusiasm of each employee of the ODPP and thank them for their commitment and their performance without which the ODPP would be unable to achieve its mission.

Christopher T. Pryde

Director of Public Prosecutions

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OUR VISION

To deliver a modern and professional prosecution service that supports national goals and aspirations of peace and good governance.

OUR MISSION

To deliver fair and independent prosecution services, committed to the rule of law, for all Fijians.

OUR VALUES

Independence;
Fairness; and
Courage

Role of the ODPP

The Office of the Director of Public Prosecutions (ODPP) is an independent office established under section 117 of the 2013 Fijian Constitution. The ODPP is motivated by the principle that it is in the interest of justice that the guilty be brought to justice and that the innocent are not wrongly convicted.

The ODPP was first established under the Fiji Independence Act 1970. Section 117 of the 2013 Fijian Constitution states:

Mandate

The mandate of the ODPP is set out in Section 117 of the 2013 Fijian Constitution. Section 117

empowers the Director of Public Prosecutions (DPP) to:

- institute and conduct criminal proceedings;
- take over criminal proceedings that have been instituted by another person or authority (except proceedings instituted by the Fiji Independent Commission Against Corruption);
- discontinue, at any stage before judgment is delivered, criminal proceedings instituted or conducted by the Director of Public Prosecutions or another person or authority (except proceedings instituted or conducted by the Fiji Independent Commission Against Corruption); and
- intervene in proceedings that raise a question of public interest that may affect the conduct of criminal proceedings or criminal investigations.
- The powers of the DPP may be exercised by the Director personally, or through other persons acting on the Director's instructions.

Role of the ODPP

Independence of the ODPP

The 2013 Fijian Constitution in Section 117 states:

In the exercise of the powers conferred under this Section of the Constitution, the Director of Public Prosecutions shall not be subject to the direction or control of any other person or authority, except by a court of law or as otherwise prescribed by this Constitution or a written law.

Furthermore, the Constitution requires the Parliament to ensure that adequate funding and resources are made available to the ODPP, to enable it to independently and effectively exercise its powers and perform its functions and duties.

The Director of Public Prosecutions

The Director of Public Prosecutions (DPP) is a person who is qualified to be appointed as a Judge.

The procedure for removal of the DPP from office is the same as the procedure for removal of

a judicial officer under section 117 of the 2013 Fijian Constitution.

The Constitution also empowers the DPP to appoint any legal practitioner whether from Fiji or from another country to be a public prosecutor for the purposes of any criminal proceedings.

Section 51(2) of the Criminal Procedure Decree, 2009, also empowers the DPP to appoint police officers to be police prosecutors for the purpose of conducting prosecutions in the Magistrates' Courts of Fiji.

The DPP also has the authority to appoint, remove and institute disciplinary action against all staff (including administrative staff) of the ODPP.

In summary, the Constitution authorizes the DPP to independently govern all matters concerning public prosecutions and ensures its independence not only for prosecution matters but also authorizes the Director, alone, to determine all matters pertaining to the employment of all staff and administrative matters concerning the ODPP.

Role of the ODPP

The Assistant DPPs (ADPPs)

The Assistant DPPs predominantly play an advisory role to the DPP and a managerial role to govern the (legal) operational functions of the ODPP on behalf of and on the instructions of the DPP.

The ADPPs assist the DPP in the smooth and efficient functioning of the ODPP by ensuring that all criminal cases are prosecuted in accordance with the law and prosecution principles in a timely manner. In assisting the DPP in the efficient management of the ODPP and in the enforcement of the criminal laws in Fiji, they are expected to keep themselves up-to-date with local and global developments in criminal law and procedures.

Accordingly, they actively contribute towards staff professional development by participating and conducting regular training for the State Counsel and establishing a mentoring role with the ODPP team. They also play a proactive role in raising public awareness of criminal legal issues, with

special focus on changes in criminal law and procedures.

The ADPPs also assist the DPP in developing and implementing strategic policies that contribute to the development and management of prosecution standards and help modify operational systems to enhance service delivery of the ODPP.

Additionally, the ADPPs manage the allocation of matters to State prosecutors and prosecute trials of a sensitive nature and of public interest and appear for appeals in the High Courts, Court of Appeal and the Supreme Court.

Role of the ODPP

State Prosecutors

The ODPP lawyers, as State Counsel or State Prosecutors, are subject to constitutional, legal procedural and ethical obligations, with the responsibility to discharge their duties with fairness, integrity and independence. The role of a State prosecutor is to present all available, relevant and admissible evidence necessary to enable the court to determine the guilt or innocence of the accused.

Core Functions

State Counsel represent the State in the prosecutions of criminal trials and appeals in the Fijian courts system. Apart from their litigation duties, they also provide timely and accurate legal advice to law enforcement agencies, analyse evidence and draft charges. State Counsel prepare and appear for court hearings and have a duty to maintain an up-to-date record of their active cases on file and the ODPP's *CASES Management System* on the intranet. Prosecutors have a duty to ensure that matters before the courts are attended to in a timely manner.



ODPP State counsel during the ODPP monthly training session.

State Prosecutors

- A prosecutor has an overriding duty to the Court to act with independence in the interests of justice. He or she must assist the Court in the administration of justice and must not deceive or knowingly or recklessly mislead the Court.
- The prosecutor must not, in his or her professional practice, discriminate unlawfully against, victimise or harass any person on the basis of race, colour, ethnic or national origin, nationality, citizenship, sex, gender or gender re-assignment, sexual orientation, marital or civil partnership status, disability, age, religion or belief.
- The prosecutor is individually and professionally responsible for his or her own conduct and for his or her own professional work and must exercise his or her own personal judgment in all his or her professional activities.
- A prosecutor must not permit his or her absolute independence, integrity and freedom from external pressures to be compromised.
- A prosecutor must not do anything (for example, accept a present) in such circumstances as may lead to an inference that his or her independence may be compromised.
- A prosecutor must not compromise his or her professional standards to please his or her instructing officer, the Court or a third party, including any complainant, witness or investigative or referring authority.

ODPP Prosecutor's Code, 2003

Prosecution Policy

With the promulgation of the new Fijian Constitution in September 2013, the ODPP is in the process of drafting a new Prosecution Code that would replace the Prosecution Code, 2003, which was issued under Section 76 of the Criminal Procedure Code, 2009.

The Prosecution Code provides important guidance to prosecutors and aids them in their day-to-day decision making.

Decision to Prosecute

No person in Fiji shall be prosecuted unless there is sufficient evidence and it is in the public interest to prosecute.

The first step in the decision-making process is to be sure that there is a reasonable prospect of a conviction. This is an objective test, which includes an assessment of the reliability of evidence, and the likely defence case. The test is, whether a court, properly directed in accordance with the law is more likely than not, to convict the accused of the charge alleged.

There are two stages that a prosecutor analysing a case must address in arriving at a decision to prosecute. These stages are the evidential stage and the public interest stage.

Sufficiency of Evidence:

A prosecutor must first be satisfied that there is sufficient evidence to provide a 'reasonable

prospect of conviction' against each accused person on each charge alleged. The prosecutor must consider the admissibility and reliability of each piece of evidence.

The prosecutor must also consider any likely defence and assess the likely effect this may have on the prosecution's case. In assessing whether or not there is sufficient evidence to provide a reasonable prospect of conviction, the prosecutor must objectively consider whether or not a judge, assisted by assessors and properly directed in accordance with the law or a magistrate, will more likely than not convict the accused person of the alleged charge.

If the answer is yes, the charge can proceed. If the answer is no, it must not go ahead, no matter how important the case or serious the charge itself may be.

The Public Interest:

If the prosecutor assesses that there is sufficient evidence, then the prosecutor must decide whether or not a prosecution is in the public interest. The prosecutor must fairly and objectively balance factors for and against the prosecution. Generally, criminal proceedings will be instituted unless the factors against prosecutions are clear and cogent.

Prosecution Policy

Drafting Criminal Charges

Prosecutors are bound by legal and ethical obligations that govern their conduct as State Prosecutors. State Prosecutors select charges that:

- *reflect the seriousness of the offence;*
- *give the court adequate sentencing powers;*
- *enable the case to be presented in a clear and simple way; and*
- *adequately reflect the true criminality of the offender's conduct.*



(Para. 8 Prosecution Code, 2003)

Prosecutors cannot continue with more charges than are necessary just to encourage an accused to plead guilty to a few. They are also ethically bound to ensure a more serious charge is not laid just to encourage an accused to plead guilty to a lesser charge.



Witnesses & Victims

The ODPP recognises that victims and witnesses play a very vital role in the prosecution process.

Service delivery is prioritised to the more vulnerable group of victims and witnesses, such as children, families of deceased victims, people with disabilities, the elderly and other vulnerable special needs groups, including those with cultural and language barriers.

State Prosecutors are encouraged to assess the special needs of victims and witnesses and to professionally support victims and witnesses while they are giving evidence in court. There are clear policies that govern lawyer's interactions with victims and witnesses during Witness Conferencing sessions. These policies are articulated in documents, such as the Prosecution Code and the Child Protection Guidelines, 2009. The ODPP is committed to ensuring that the protection available for victims and witnesses under the Criminal Procedure Decree, 2009 are pursued through the court system.

The ODPP Prosecution Code outlines the approach that State Prosecutors take when liaising with victims and witnesses of crime.

The Code emphasizes core principles, such as

courtesy, respect, and keeping victims and witnesses informed of the outcome of the case or trial status, acknowledging their contribution to the case and, wherever possible, referring them to relevant authorities for post-case support. The ODPP believes it is important that victims and witnesses understand the criminal process and their role in that process. Inevitably, when there are circumstances that mean the prosecution has to make a decision to discontinue or substantially alter a charge in a case, the victims and witnesses are informed how such a decision was reached and the next course of action.

Witness Allowance

Witnesses and victims are paid a set of witness allowance to cover some of the expenses incurred when attending court and giving evidence. This amount is set by the Chief Justice under section 293 of the Criminal Procedure Decree and is periodically reviewed.



Our Practice

The ODPP plays a key role in supporting the enforcement of criminal laws in Fiji, international laws and treaties and conventions that the Fijian Government has ratified, as well as, contributing towards the continued development and maintenance of a just and fair criminal justice system.

ODPP Core Functions

The ODPP is responsible for prosecuting criminal appeals before the Court of Appeal and the Supreme Court. In addition, all High Court trials are prosecuted by State Counsel who also handle appeals in the High Court in Suva, Labasa and Lautoka. Cases of special difficulty or of public interest in the Magistrates' Courts are also processed by the ODPP.

Furthermore, it is the ODPP that handles matters concerning complaints against police and prison officers, as well as any complaints from a member of the public concerning their case. The DPP considers written representations in relation to criminal cases from aggrieved persons, defendants, or from their lawyers. Another major component of the DPP's work involves the provision of written advice to the Commissioner of Police, to the Director of the Criminal Investigation Department (CID) and to other governmental departments and statutory organisa-

tions. The ODPP also delivers lectures to the Police Academy.

ODPP Offices

The ODPP has seven offices around the country with its headquarters, based in the Central Division in Suva.

There are four offices in the Western Division; in Sigatoka, Nadi, Lautoka and Ba. There are also offices in the Northern and the Eastern Divisions.

Overall, the principal role of each divisional office is to assist the DPP in the delivery of a fair and independent prosecution service, committed to the rule of law.

Ultimately, the ODPP's role is to ensure that all criminal cases in every part of Fiji are prosecuted in accordance with law and sound prosecution principles in a timely manner.

Our Practice

ODPP Headquarters – Suva

The ODPP Headquarters (Suva) has three subdivisions; the Serious Fraud Division, the Child Protection Division and the General Crimes Division. The Corporate Section, the Registry, the Library, Media and the Information Technology sections are also based at the headquarters.

All police files from the Central Division are prosecuted by State Counsel based at headquarters and they appear for matters before the Suva Magistrates and High Court, as well as for appeals before the Court of Appeal and the Supreme Court.

The table below shows the number of new files opened and closed, and those that were pending for the year ending 2013 by ODPP headquarters in comparison with the year ending 2012.

Total Number of Files Closed and Pending (of the total number of files opened only) in 2012 & 2013 at Headquarters:

Headquarters	2012	2013
New Files opened	1023	939
Closed	624	415
Brought forward	399	524



ODPP Headquarters 25 Gladstone Road,

Serious Fraud Division

The Serious Fraud Division (SFD) is responsible for the prosecution of major fraud cases and money laundering offences. These prosecutions are fundamental in protecting the nation's resources for the benefit of all Fijians.

Fraud and Money Laundering

Fraudulent activities and agents of fraud can lead to the erosion of Fiji's economy, national security and the social wellbeing of the Fijian people if not prosecuted.

Fraudulent activities have negative implications on Fiji's economy by encouraging corruption and crimes that divert resources set aside for economic development, and reduce productivity that is critical for economic growth. Furthermore, money laundering may also result in money being sent overseas, which can further impair the growth of the Fijian economy.

Offences of fraudulent conduct under the Crimes Decree, 2009, Part 17 include:

- Obtaining Property or Financial Advantage by Deception;
- Frauds by Trustees and Persons in a position of Trust and False Accounting;

- False or Misleading Statements and Documents;
- Computer Offences (these include any unauthorised modification of data held in a computer and any unauthorised impairment of electronic communication to or from a computer);
- Financial Information Offences (these include dishonestly obtaining or dealing in personal financial information);
- Unwarranted Demands (where a public official makes an unwarranted demand in his/her capacity as a public official with the intention of gain or causing a loss); and
- Personation (with intent to defraud any person, falsely representing himself or herself to be some other person (living or dead)).

Money Laundering in Fiji is a criminal offence under the Proceeds of Crime Act (POCA).

Serious Fraud Division

The SFD works closely with the Fiji Financial Intelligence Unit (FIU), which is a statutory agency of the Fijian Government that was established in 2006 under the Financial Transactions Reporting (FTR) Act.

Core Functions

The SFD provides legal advice to law enforcement agencies and conducts trials and appeals for all offences of fraudulent conduct on behalf of the DPP.

As prosecution of such offences involves complex legal issues and voluminous documents, the SFD team spends a great deal of time examining documentary evidence and providing legal advice to investigating agencies, such as the Fiji Police Force and the FIU. This includes advice to police on matters that are before the court.

The Division also makes applications for forfeiture under the POCA. The SFD team actively engages in training other stakeholders, such as police prosecutors on a number of topics, such as money laundering and proceeds of crime.

SFD Team

The Division is currently headed by Manager SFD, Ms Jayneeta Prasad, with two legal officers: Ms Supreena Naidu, who re-joined the office last year and Mr Aisea Paka who joined the Division in early 2013. At the start of 2013, the Division was headed by Ms Nancy Tikoisuva, assisted by her team, comprising Ms Taina Leweni, Ms Jayneeta Prasad and Mr Alvin Singh.

In early 2013, the Division saw the departure of Ms Tikoisuva and Ms Leweni. Mr Singh is now based at the Nadi office.



Manager SFD, Principal Legal Officer, Ms Jayneeta Prasad.

Serious Fraud Division

Training

Training and career development is mandatory at the ODPP and the SFD team is committed to keeping up-to-date with developments in their area of legal practice. Last year, the members of the Division attended two overseas conferences on Anti-Money Laundering.

In March, Ms Prasad attended a workshop in Brisbane, Australia on Typologies and the Financial Action Task Force (FATF) Standards.

Later in July, Ms Prasad and Mr Paka attended the annual Meeting of the Asia/ Pacific Group on Money Laundering [APG] Plenary in Shanghai, China.

In November, the SFD team attended a conference organised by the Fiji Intelligence Unit (FIU) on detecting money laundering in Fiji at the Holiday Inn in Suva. Apart from participating in various training programmes, the SFD has also conducted training with investigators and police prosecutors. Ms Prasad, with the support of the SFD team conducted training for investigators on tracing the proceeds of crime and unexplained wealth provisions.

The Division has also assisted with the Police Prosecution Courses at the Police Academy by providing lectures, as well as assisting in mock court sessions.

Anti-Money Laundering Working Group

The ODPP is a member of the Anti-Money Laundering (AML) Working Group (Legal and Law Enforcement).

The SFD Manager, Ms Jayneeta Prasad, is the current Chair of the AML Legal Working Group.

Mr Paka and Ms Naidu are also active participants in the Legal and Law Enforcement Working Group.

The SFD continues to be the first port of call for all fraud-related matters, whether it is from the police or from fellow prosecutors.

Serious Fraud Division

Money Laundering and Proceeds of Crime

There were three money laundering files opened in 2012. One file was closed and six new Proceeds of Crime files were opened in the same year.

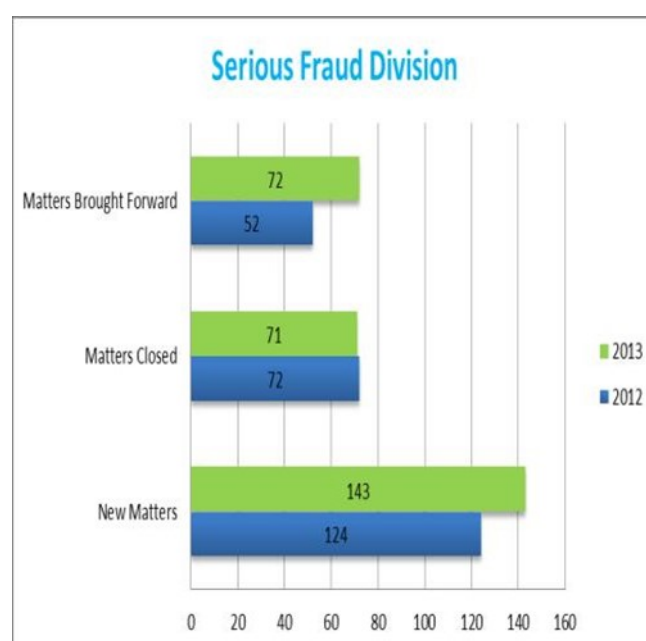
Five new files were opened in 2013, while three files were closed in the same year.

Fraud

In 2012, there were a total of 110 new fraud files, while 67 were closed the same year. While 123 new fraud files were opened in 2013, 56 files were closed the same year.

Total Number of Files Closed and Pending (of the total number of files opened only) in 2012 & 2013:

Serious Fraud Division	2012	2013
New Files Opened	124	143
Files Closed	72	71
Files Brought foreword	52	72



Child Protection Division

The Child Protection Division (CPD), headed by Ms Pauline Madanavosa, was initially established as a unit. The unit was upgraded to function as a division in 2011; the CPD's main role is to conduct criminal proceedings against sexual and other serious offences committed against children or matters where children are the primary witnesses.

Core Functions

The ODPP recognises its responsibility to give appropriate consideration to the concerns of vulnerable victims such as children.

The CPD team explains the criminal justice system to victims and witnesses to help them better adapt to the judicial process.

It is also the CPD's responsibility to ensure that the parent or guardian of the child victim is kept well informed of any developments in the case. A witness conference is held with victims and witnesses to help familiarise them with court proceedings.

The ODPP's Prosecution Code, 2003 outlines the conduct expected from a prosecutor in relation to victims of crime. The Code states that the prosecutor must be sensitive to the interests

and needs of victims of crime. In addition, the manner in which the prosecuting authority treats victims of crime is a measure not only of its efficacy, but also of humanity.

The Code states that the prosecutor must endeavour to safeguard the interest and the dignity of the victim, providing comfort when necessary. The Child Protection Guidelines of 2009 sets out the operations of the CPD; for instance, the steps in building rapport with the child victim, the decision on whether to oppose bail for the accused and considerations relating to pre-trial applications, such as witness protection applications. There are also witness protection applications that are made in Court, such as name suppression, closed court and use of screen applications. One of the core objectives of the Division is to create a child-friendly environment within the CPD so that it can ensure that child victims and witnesses are comfortable with prosecutors and the court process.

Child Protection Division

2013 Fijian Constitution on Child Rights

Every child has the right 41 (1)(d) to be protected from abuse, neglect, harmful cultural practices, any form of violence, inhumane treatment and punishment and hazardous or exploitative labor.

Apart from prosecuting child-related cases or cases where a child is the main witness, the CPD also prosecutes cases for the other divisions within the ODPP.

In 2013, the CPD was led by the Principal Legal Officer, Ms Pauline Madanavosa, who was assisted by seven legal officers, namely Ms Leba Koto, Ms Luisa Latu, Mr Meli Vosawale, Ms Amelia Vavadakua, Mr Shivendra Nath, Ms Darshani Kumar and Ms Shomal Kant.

Ms Amelia Vavadakua was transferred to the Nausori ODPP during the year and towards the end of the year, the Division also saw the departure of Ms Leba Koto.

Training

In 2013, the CPD members participated in monthly training sessions organised by the ODPP. The CPD also conducted training on the Domestic Violence Decree for police officers at the Criminal Investigation Department. The CPD also participated in the Police Prosecutors Qualifying Course held at the Police Academy in Nasova.

National Co-ordinating Committee for Children

Apart from the prosecutorial work for child related offences, the CPD is also involved with the National Coordinating Committee for Children (NCCC). Established in 2009, the committee is responsible for the implementation of the Convention of the Rights of the Child (CRC) into Fiji's laws and legislation. The NCCC is a forum that consists of both government and non-governmental organisations, including faith-based organisations, which deal with children in their daily work.

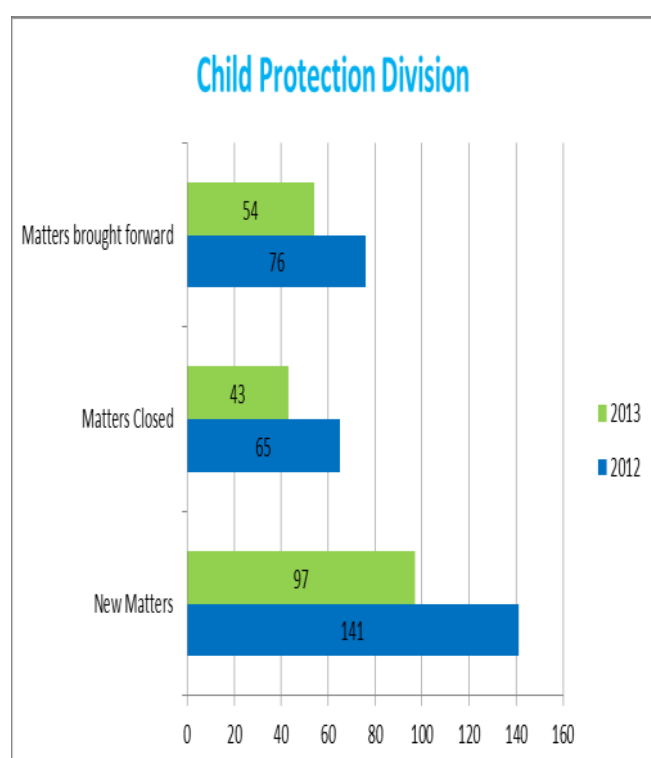
Child Protection Division

Total Number of Files Closed and Pending (of the total number of files opened only) in 2013:

Child Protection Division	2012	2013
New Files Opened	141	97
Closed	65	43
Brought Forward	76	54



State counsel Ms Wakesa Elo and Shivendra Nath.



Child Sexual Assault

In 2013, 97 child sexual assault cases were opened and 43 closed in the same year. Whereas, in 2012, 141 new files were opened and 65 files were closed. There were 76 files brought forward to the year 2013 by the Child Protection Division in 2012 and 54 files were brought forward to this year.

General Crimes Division

The General Crimes Division (GCD) prosecutes cases that are not classified as fraud offences or child-sensitive matters.

Due to the breadth of the Fijian criminal legislation, the GCD is the largest division within the ODPP.

This Division is responsible for the prosecution of offences under the Crime Decree, such as those against public order, international order, the administration of lawful authority, offences against the person (including murder, manslaughter and infanticide); crimes against humanity; offences endangering life and health; criminal recklessness and negligence; and offences against a person's liberty.

Core Functions

The GCD team engages in a variety of legal tasks, which range from providing legal advice on general crime file dockets to the DPP, after the cases are vetted by the GCD Manager; conducting criminal trials for general crime matters in the Magistrates Courts and the High Courts; and conducting appeals for matters in the High Courts, Court of Appeal and Supreme Court.

Furthermore, the GCD team conducts meetings with witnesses, victims and their families to familiarise them with court proceedings.

The work also includes holding conferences with police officers and police prosecutors.

GCD Team

The GCD is made up of 10 legal officers and was headed by Ms Madonna Fong in 2013.

Total Number of Files Closed and Pending (of the total number of files opened only) in 2013:

General Crimes Division	2012	2013
New Files Opened	1795	2043
Closed	1166	1043
Brought Forward	629	1000

A total of 1724 new files were opened by the GCD in 2012 and 1166 were closed the same year. In 2013, 2004 new files were opened, while 1043 files were closed by the GCD.

Northern Divisional Office

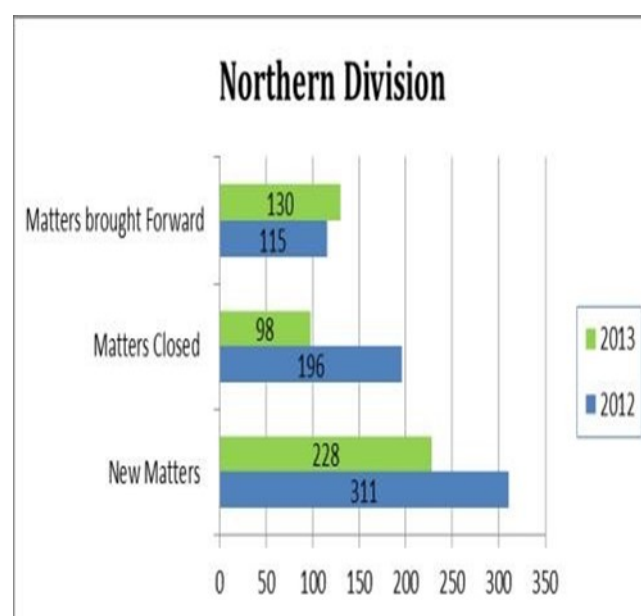
The Labasa office prosecutes offences from the Northern Division (Bua, Cakaudrove and Macuata provinces), including the outer-lying islands of Kioa and Rabi.

There is a High Court in Labasa and there are three Magistrates' Courts in the Northern Division, in Labasa, Nabouwalu and Savusavu.

The Labasa office is headed by Principal Legal Officer, Mr Sekonaia Vodokisolome, who is assisted by a team of two legal officers, Ms Pulekeria Low and Mr Malcolm Maitava and two administrative staff members, Ms Margaret Chand and Mr Josefa Tosokiwai.

Total Number of Files Closed and Pending (of the total number of files opened only) in 2013:

Northern Division	2012	2013
New Files Opened	311	228
Closed	196	98
Brought Forward	115	130



Principal Legal Officer, Mr Sekonaia Vodokisolome manages the Labasa office.

Western Divisional Office

The ODPP has four offices in the Western Division, providing prosecution services to people living in Sigatoka, Nadi, Lautoka, Ba, Rakiraki and Tavua.

The Lautoka office also serves the outlying islands in the Western Division, including the Viwa Island, and the Yasawa and Mamanuca group of islands. With over 15 staff in 2013, the ODPP - Western Division prosecuted criminal offences in 11 Magistrates' Courts and at the Lautoka High Court. This included the Keyasi Magistrates' Court, which sits once a month and is administered by the Resident Magistrate at Sigatoka.

Nadi ODPP

The Nadi office predominantly prosecutes cases from the Fiji Border Police and the Sabeto, Namaka and Nadi police stations. The Nadi office receives a number of border infringement cases involving the possession or transfer of illicit drugs.

For the benefit of the public and the State Counsel, the Nadi office is conveniently located within walking distance of the Nadi Magistrates' Court, the town area and public transportation.

There are two legal officers managing the Nadi office with the assistance of an administrative staff member.

Sigatoka ODPP

The Sigatoka office prosecutes cases received from the two main police stations in Sigatoka and seven police posts in that vicinity. The Sigatoka office has one legal officer, an administrative officer and a driver/messenger.

Ba ODPP

The Ba office prosecutes matters from Ba, Tavua, Rakiraki, Nalawa and the Vatukola Police Station and the ODPP lawyers from the Ba office prosecute cases at the Lautoka High Court and at the district courts of Ba, Tavua and Rakiraki.

Lautoka ODPP

The Lautoka office is conveniently located within walking distance to the Lautoka Court House, the Lautoka city centre and public transportation.

The Lautoka office is managed by a Principal Legal Officer, who also oversees the management of the other three offices in the Western Division

Western Divisional Office

The Western Division has a smaller Administrative and Registry team who are primarily responsible for:

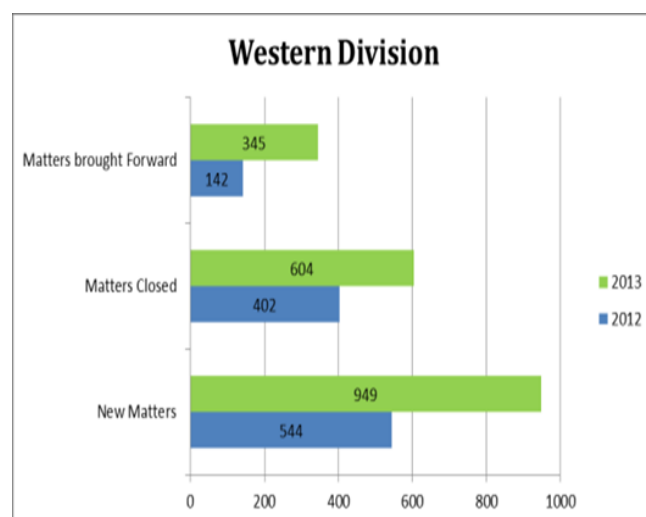
- updating state prosecutors diaries;
- managing the logistics, in terms of allocation of case files within the Western Division ODPP offices;
- assisting state prosecutors in preparing disclosures and advice;
- liaising with police and other ODPP offices;
- preparing and filing documents; and
- managing resources, mail, attendance and other administrative duties and managing transportation and witness allowance logistics.

Year in Review

In 2013, 949 new files were opened in the Western Division, and 604 cases were closed. The remaining 345 files were brought forward to 2014; whereas in 2012, 544 new files were opened, and 402 files were closed the same year. 142 files were brought forward to 2013.

Total Number of Files Closed and Pending (of the total number of files opened only) in 2013:

Western Division	2012	2013
New Files Opened	544	949
Closed	402	604
Brought Forward	142	345



Eastern Divisional Office

The ODPP Nausori office provides prosecution services to Fijians residing in the Eastern Division of Fiji: Nausori, Tailevu, Korovou and the neighbouring islands of Ovalau, Gau and Koro.

Principal Legal Officer, Mr Lisiata Fotofili, heads the Eastern Division office with a team of three legal officers; Mr Yogesh Prasad, Ms Amelia Vavadakua and Ms Vinti Prasad. There are two administrative staff; Ms Nunia Bogi and Ms Veena Prasad. The Eastern Division office prosecutes matters from five police stations; Nausori, Vunidawa, Korovou, Levuka and Nakasi.

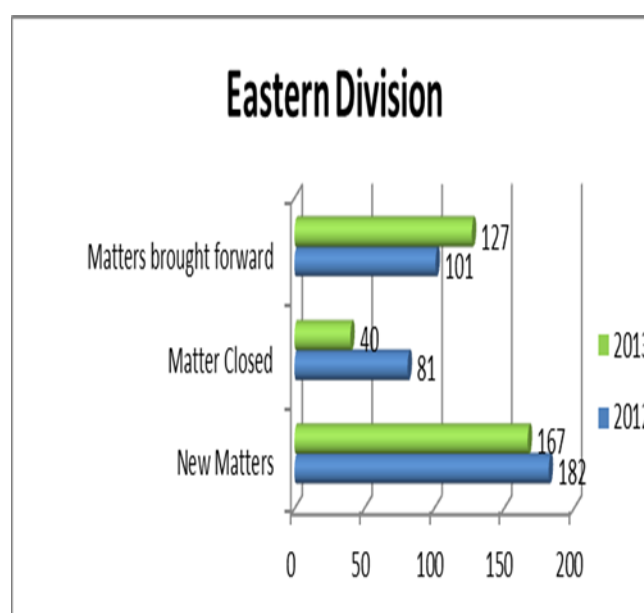
They appear at Magistrates' courts, including the Suva, Nasinu, Vunidawa, Korovou and Levuka and at the Suva High Court.

Year in Review

In 2012, 182 new files were opened and 81 files were closed and 101 were brought forward from the previous year. In 2013, 167 new files were opened and 40 files were closed, while 127 files were brought forward from 2012.

Total Number of Files Closed and Pending (of the total number of files opened only) in 2013:

Eastern Division	2012	2013
New Files Opened	182	167
Closed	81	40
Brought Forward	101	127



Corporate Service Division

The ODPP's legal practice is supported by the Corporate Services Division (including the Human Resources, Finance and Administrative departments), the Information Technology section, the Registry Section, and the Media and Library Services.

The Corporate Division is responsible for the implementation, monitoring and evaluation of ODPP policies and governance frameworks.

Corporate governance arrangements are reviewed in a timely manner to ensure that an appropriate and responsive governance framework is always in place to support the ODPP's overall work.

The overall aim of this Division is to sustain a supportive framework for a result-orientated set of policies and procedures for the ODPP to achieve its stated objectives.

This Division also has the responsibility of ensuring that all policies relating to ODPP staff are based on the principles enshrined in the Fijian 2013 Constitution, including principles of accountability, transparency, integrity, team work, efficiency and leadership.

Human Resources

The ODPP is an equal employment opportunity provider and is of the strong belief that providing equal opportunities to all and applying a merit-based appointment approach is critical for any organisation's success.

All decisions relating to new appointments, promotions, transfers, placements, terminations, and staff development are made through a transparent process that is subject to a review, when necessary.

Appointments and promotions are based on merit, using an open and competitive selection process. Staff development and training programs are provided on an equal basis to all staff.

In 2013, there were a total of 76 employees, of which 38 were professional legal officers.

Corporate Service Division

OHS Policy

The Corporate Services Division has the responsibility of ensuring that policies supporting workplace diversity are effectively implemented and adhered to.

The ODPP has implemented an Occupational Health and Safety Management policy to ensure that all employees, volunteers and contractors are well versed with the OHS legislative requirements and compliance is facilitated by the ODPP Management to minimise any breaches of the policy. The Policy also addresses ways of monitoring and educating employees about OHS risks and minimizing accidents at the workplace.

This Policy is inclusive of psychological hazards at the workplace and promotes a stress-free working environment. The Corporate Services Division has the responsibility for compiling feedback on OHS issues regularly and presenting it to the Management of the ODPP (consisting of the DPP, ADPP's and the Principal Administrative Officer) to review the implementation and effectiveness of the OHS policy.

Administration Section

Board of Survey and Internal Inspection

The Board of Survey and Internal Inspections annually conducts inspections at all ODPP departments to ensure that all ODPP policies are implemented effectively and monitors and reports on compliance to all ODPP regulations.

Upon conclusion of the survey and inspection, feedback to the DPP is provided on the following issues:

- *general status of the functionality of these centres;*
- *allocated and requested resources, including office stationary, equipment and vehicles allocated;*
- *compliance with the ODPP OHS regulations;*
- *status of all electronic equipment and the CASES management system;*
- *feedback on the reports of the File Audits team; and*
- *Staff attendance and punctuality issues.*

Corporate Service Division

Office Buildings

Last year, Lomanikoro House, where the ODPP Corporate Section is based, was renovated in the third and fourth quarter of the year.

Staff/ Government Quarters

In the first quarter of 2013, ODPP officers were occupying 15 government quarters: five in the Western Division, four and three in the Northern and Eastern Divisions, respectively, and one in the Central Division.

Vehicles

The ODPP staff use vehicles for the following purposes:

- *witness conferencing- to brief witnesses on their cases and the court procedures;*
- *crime scene visits;*
- *urgent service of Summons to witnesses;*
- *serving of Affidavits;*
- *transporting legal officers back and forth to court;*
- *dispatching mail;*

- *transportation of witnesses from their residence to the ODPP centres for witness conferencing and/ or for court attendance; and*
- *administrative purposes.*

At the beginning of 2013, there were a total of nine vehicles. Seven of those are currently running, while two vehicles were boarded and written off. Later in the year, a Prado for the DPP's official use was allocated to the office.

Corporate Service Division



The DPP Mr Christopher Pryde and PAO Ms Charlotte Nambiar.

Finance Section

The Finance Section has the critical role of managing the ODPP's finances and of advising the DPP on accountancy matters concerning the budget and expenses. In summary, the Section has the responsibility of ensuring that the expenses are within the allocated budget and there is a proper internal control and monitoring mechanism in place to prevent any fraud or error.

In 2013, the Finance section had three officers;

Accounts, Payments and Salaries officer.

The ODPP received a budget of \$5,109,385.00 for the year 2013. The ODPP had actual expenditure of \$3,946,972.00 and a balance saving of \$1,162,413.00.

Tabulated below are the Budgeted Funds, Expenditure and Savings - 2013

	APPROPRIATION	ACTUAL	BALANCE
ESTABLISHED STAFF	\$2,626,954	\$1,999,673	\$627,281
UNESTABLISHED STAFF	\$179,535	\$170,058	\$9,477
TRAVEL AND COMMUNICATIONS	\$260,400	\$196,670	\$63,730
MAINTENANCE AND OPERATIONS	\$384,200	\$ 341,546	\$42,654
PURCHASE OF GOODS AND SERVICES	\$1,223,596	\$887,086	\$336,510
SPECIAL EXPENDITURES	\$135,000	\$91,806	\$43,194
VALUE ADDED TAX	\$299,700	\$260,133	\$39,567
TOTAL FUND	\$5,109,385	\$3,946,972	\$1,162,413

ODPP Library

The ODPP Library provides a valuable research and reference support service to all State Counsel with an extensive range of online resources, and maintains a collection of print material.

The Librarian regularly circulates legislative updates, new decisions and case law for all ODPP lawyers. Individual lawyers are also assisted with their research queries.

In 2013, the main focus for the library was to consolidate all library materials into a single ODPP catalogue.

Library Management Software

Digitalising the ODPP Library has been the objective of the office for a number of years. The introduction of a new library Management Software last year helped to fulfil this objective.

The Library Management Software (Liberty V5) was purchased from *Softlink, Australia* and is the first step in creating an electronic library. After the approval of an analysis of a pre-implementation report, the software was installed and went live in 2013. Currently, all Library textbooks and 2013 judgments are being catalogued to this system by the Librarian. A shortcut link for this software has been made

available on the ODPP server and users have been given individual usernames and passwords.

Library Resources

The ODPP Library was upgraded with a new and faster processing Intel core i5 HP computer in 2013. This upgrade now meets the requirements of the new Library Management System, Liberty v5, and has improved its functionality.

Significant storage issues were also addressed in 2013.

Law Text Books

The ODPP Library purchased the following law text books to complement its existing collection.

- *Uniform Evidence Law/ Stephen Odgers 10th Edition*
- *May on Criminal Evidence/ Richard May 6th Edition*
- *May on Criminal Evidence/ Richard May 5th Edition*
- *Fundamentals of Trial Techniques/ Mauet & McCrimmon – 3rd Aus. Edition.*

ODPP Library

Annotated Laws

The following annotated law books were purchased last year for distribution to each ODPP lawyer for use in courts.

- **Magistrates Court Act & Rules- 2 copies**
- ***High Court Rules -2 copies***
- ***Supreme Court Rules -2 copies***
- ***Court of Appeal Act -2copies***
- ***Bail Act -10 copies***
- ***Crimes Decree, Criminal Procedure Decree and Sentencing and Penalties Decree - 10 copies***

Copies of the Bail Act and the Crimes Decree, Criminal Procedure Decree and Sentencing and Penalties Decree are supplied to all new recruits of the ODPP legal team and, last year, a full set of each was distributed to our Lautoka and Labasa offices.

Inter-Library Loan

The ODPP Library, on an inter-library loan basis, exchanges legal text books and reports with the Suva High Court Library and the Attorney-General's Chamber's Library.

Acquisition

The ODPP Library currently holds Local Acts, Bills, Supplements, Laws of Fiji, Ordinances and Supplements, from 1970 to date. This includes copies of the Halsbury's Statutes of England (3rd and 4th Edition). The Library also holds local precedents of close to 37 years from the High Court of Fiji, Court of Appeal and Supreme Court (Bound Volumes) from 1977.

Law Reports

The ODPP Library has a collection of law reports from other countries.

These reports include:

- **England Law Reports;**
- ***Australian Criminal Reports;***
- ***Australian Law Reports;***
- ***Australian Law journals;***
- ***Appeal Cases Reports;***
- ***Criminal Appeal Reports;***
- ***Criminal Appeal Reports (sentencing);***
- ***Criminal Law Review;***
- ***New Zealand Law Reports;***
- ***Queensland Law Reports; and***
- ***Weekly Law Reports.***

ODPP Library

Library Subscriptions

The ODPP Library made payments for the renewal of subscriptions for the following law journals and law reports for the year 2013.

Date	Payee	Particulars	Amount
18/01/13	LexisNexis	Aust.Crim. Trial Direction – Issue 38	NZD \$ 910.00
18/01/13	NZ Law Society	NZ Law Talk	NZD \$ 192.00
23/01/13	LexisNexis	NZ Law Journal	NZD \$ 580.00
23/01/13	LexisNexis	Aust.Crim. Trial Direction – Issue 39	NZD \$ 920.00
26/04/2013	Incorporated Council of Law Reporting	Payment for Queensland Report - Part I - Jan – June 2013	AUD \$263.00
15/07/2013	LexisNexis	Aust.Crim. Trial Direction – Issue 41	NZD \$ 955.00
20/08/2013	Incorporated Council of Law Reporting	Payment for Queensland Report – Part II - July – Dec 2013	AUD \$263.00
23/08/2013	LexisNexis	Aust.Crim. Trial Direction – Issue 40	NZD \$ 955.00
04/10/2013	LexisNexis	Aust.Crim. Trial Direction – Issue 42	NZD 836.00
31/10/2013	LexisNexis	Aust.Crim. Trial Direction – Issue 43	NZD \$ 855.00

ODPP Library

Collection Development

The Librarian, in consultation with an Assistant DPP, carries out the following tasks for the development of the library's collections:

- *evaluates and selects new law textbooks, law reports and journals;*
- *monitors new information sources;*
- *accesses and catalogues law textbooks;*
- *sorts, indexes and binds Local Government gazettes, supplements, decrees and all local judgments; and*
- *conducts general maintenance of library law texts and reference materials, including the discarding of outdated publications, repairing of text books, compiling the office system with recent case judgments and upgrading the organisational structure of the library.*

searching case laws (local and international), photocopying, binding and preparing disclosures for filing, are completed and provided to the officers in a timely and professional manner.

Library Requests

Apart from acquiring and updating library resources, the ODPP librarian also ensures that all library requests, which includes

ODPP IT

The ODPP IT Section provides assistance to the ODPP staff on all technology-related matters and continuously encourages the creative and innovative use of technology to achieve ODPP's stated objectives.

This Section provides a secured, highly reliable technological infrastructure along with a high-quality service and support system for the ODPP staff.

IT Team

The ODPP IT was headed by the Systems Analyst/ Programmer, Monish Sharan, assisted by the Computer Operator, Latanoa Bulivou.

Digital Phones

A new boss-secretary digital phone was purchased and setup in 2013 for the ADPPs.

Network Cabling

The wireless equipment that connects Lomankoro House to Judicial Family Court was not communicating as expected; therefore, the office issued a Purchase Order to TelNet Solutions Limited for network cable installation at the price of \$687.80.

Upgrades/ Desktop RAM

Five desktop machines required upgrades to increase performance and speed. The office purchased five 2GB RAM from Bondwell Computers Fiji Ltd at the price of \$345.00.



ODPP Systems Analyst/ Programmer Monish Sharan heads the ODPP IT section.

ODPP IT

IT resources 2013

Printers/ Photocopiers– New Purchases and Maintenance

Division	Product Replaced	Product Purchased	Value (FJD)	Purchased From
Principal Administrative Officer [PAO]	HP DeskJet 2200 Printer [purchased date:2005]	(CE865A) HP LASERJET CLR PRO 100 MFP M175 Multifunction Printer	\$655.00	Bondwell Computers Fiji Ltd
ODPP Lautoka PLO- Lautoka	-	Dell Mono LaserJet 1130 Printer	\$149.00	Office Products
	-	Lanier SP3510SF Multifunction	\$1,800.00 [Trade-in price]	LANIER –South Pacific Business Systems
Lomani-koro House Admin/ Finance	-	new photocopying machine	\$9,977.40	Copier Marketing Ltd
ODPP Labasa	-	new photocopying machine	\$9,977.40	Copier Marketing Ltd
	Brother multi-function	HP LASERJET PRO M1212NF Facsimile	\$498.95.	Bondwell Computers Fiji Ltd
Media Liaison Officer	-	HP P1606 Duplex Network LaserJet Printer	\$568.95	Bondwell Computers Fiji Ltd
Monthly Training purposes	-	KYOCERA ECOSYS FS-C5150DN Colour Printer	\$972.90	Copier Marketing Ltd

ODPP IT

Laptops – a few laptops and desktop machines used in the office were old generation Intel processors called Pentium 4 or D. An LPO was issued to Office Xpress Supplies for five Asus laptops at the price of \$ 8,785.00.

Desktop Computers – three HP 4300 PRO SFF desktops were purchased from Daltron at the price of \$ 6,630.00.

Digital Video/ Camera – the office purchased a high-end digital SLR camera (Canon EOS 700D) from J.Maneklal & Sons Ltd at the price of \$3,899.00.

Toner and Cartridges – The ODPP purchased toners from Toner TECH Fiji Ltd and Bondwell Computers Fiji Ltd at the price of \$3,828.00 and \$1,507.83.

The purchases were as follows: \$1,765.07 to Bondwell Computers Fiji Ltd, \$1,075.00 to Office Products and \$793.50 to Copier Marketing Ltd. The office also purchased toners and drum units from Ricoh Business Centre at the price of \$3,277.50. An LPO was issued to Lanier South Pacific Business Systems for the purchase of the Lanier SP3410SF at the price of \$2,576.00 for the Ba office.

Product	Location	Service Provider(s)
Lanier MP5001 Photocopier	ODPP Headquarters Gunu House Top Floor – Serious Fraud Division	Lanier-South Pacific Business Systems
Status:	Drum Section: 1x photoconductor drum, 1x drum cleaning blade, 1x charge roller, cleaning brush	
	Development Section: Developer, developer filter, developer filter rear and front	
	Transfer Section: Transfer belt, transfer cleaning blade, right and left drive roller, bios roller	
Cost (FJD)	\$ 2,829.00	

ODPP Registry

An efficient file management system is critical for the ODPP to deliver its services to the courts and to the people of Fiji.

The ODPP Registry is responsible for the:

- **organisation and management of physical file storage;**
- ***maintenance and organisation the ODPP file database;***
- ***updating of state counsel court diaries;***
- ***management of the logistics, in terms of file allocations;***
- ***follow up of files from police stations and other ODPP offices; and***
- ***preparation and filing of documents.***

The ODPP Registry was headed by Mr Apenisa Lewatoro who was assisted by a team of four officers based at the Suva Headquarters, and other officers based at other divisional offices.

The ODPP Registry is headed by Mr Apenisa Lewatoro.

CASES Management System

An electronic document and records management system called CASES used by the ODPP. This software allows State Counsel to record and view all information relating to prosecution matters through a single interface. CASES hosts details of all open files and allows:

- ***ODPP lawyers to update their matters for record keeping and efficient tracking purposes;***
- ***the DPP and the ADPPs to track progress on matters dealt with by the ODPP; and***
- ***users to conduct efficient and fast searches of related matters***



ODPP Media

As the public grows more discerning of information and with developing technology, the need to create greater awareness of what the ODPP does and why has become ever more apparent.

The ODPP is in the process of revamping its website to better inform the public about its roles and responsibilities.

A Media Liaison Officer, Parijata Gurdayal, was appointed in December 2013.

Core Functions

- *Development of the ODPP Media Policy standards & ethics;*
- *Provision of quality information services;*
- *Development of communication strategies to convey ODPP's policies, plans and programmes;*
- *The writing and editing media releases, in-house newsletters, brochures, other publications and regular features of interest to the public;*
- *Organisation of public forums, press conferences, radio and TV interviews;*
- *Contribution to the development and design of the annual report;*
- *Accurate reporting of progress on cases*

- *Responses to queries from individuals, journalists and other organisations;*
- *Initiation and planning of PR campaigns;*
- *Maintenance and updates of the ODPP website;*
- *Analysis of media reports, collation of articles of interest to the office for follow-up action;*
- *Organisation of special events, such as exhibitions, open days, tours, competitions and sponsorships;*
- *The fostering of improved community relations through public outreach, such as open days and involvement in community initiatives.*

2013 Media Relations

Four media enquiries were received concerning prosecutorial decisions made, the position of the State in specific cases and whether any follow up actions were contemplated by the ODPP. Apart from being responsive to the media, the ODPP is focused on revamping its website to allow the public to access court judgments, the laws of Fiji and ODPP-related publications.

ODPP Media

ODPP Media Updates 2013

1	Update: State -v- Parveen Bala	3 December 2013
2	Speech: Director of Public Prosecutions, Mr Christopher Pryde's address at the 15th Attorney-General's Conference 2013	6 December 2013
3	Response: Fiji Sun: Sentencing submissions	10 December 2013
4	Update: State -v- Apete Vereti, Semisi Nasike and Mere Samisoni	18 December 2013
5	Update: State -v- Darshani	21 December 2013

ODPP Press Releases 2013

1.	PR: (1 of 2013) – Sentence of 7 years for Child Rape Woefully Inadequate	17 January 2013
2	PR: (2 of 2013) – Successful Prosecution of Human Traffickers	25 January 2013
3	PR: (3 of 2013) – Manslaughter Charges for 37 year old man and 10 year old boy	13 February 2013
4	PR: (4 of 2013) – Charges Laid against Fiji Times	6 March 2013
5	PR: (5 of 2013) – Constitutional Immunity Challenge Dismissed	18 November 2013
6	PR: (6 of 2013) - Media Liaison Officer Appointed for the Fijian Office of the Director of Public Prosecutions	2 December 2013

Training & Professional Development

The ODPP is committed to delivering a modern and professional prosecution service; one that reflects a quality prosecutorial performance and advocacy at the Bar.

In 2013, the DPP and the Senior Management Team penned an overall strategic direction for the ODPP in 2014 with a strong focus on the ODPP's commitment to building capacity within the organisation to enhance the career development of each employee.

Training and development policy and procedures were implemented across the board to ensure development options provided to managers and employees met real training needs; one that allowed managers and employees to assess their real needs, identify development activities and link this to their career and succession plans. Overall, the objective of this exercise was to ensure that individuals and the ODPP's needs were met.

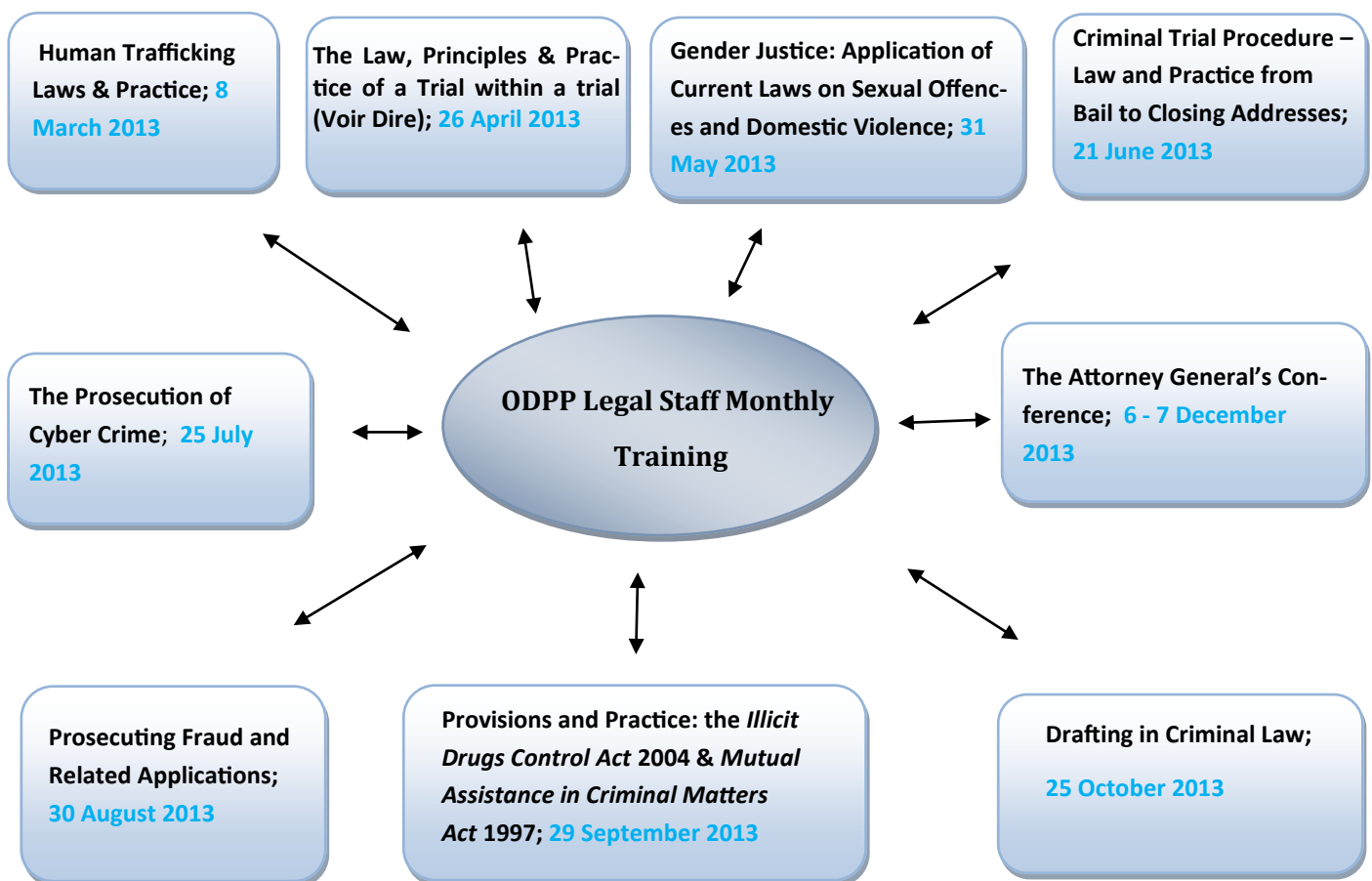
Individual Development Plans were used in the Performance Review Process, which is completed on an annual basis, to enable managers and employees to identify their respective development needs required to meet their performance expectations. Identification of training needs was done strategically to focus on whether an employee had the required compe-

tencies needed for their actual role.

Apart from formal training courses and instructional workshops, the ODPP also invested considerable attention to informal learning practices. These included; on the job training through mentoring or coaching by managers, job rotation to increase an employee's experiences, special projects, apprenticeship, and training video conferencing (webinars).

Training & Professional Development

ODPP Monthly Training Programmes 2013 Calendar



Training & Professional Development

ODPP Overseas Training and Conferences 2013

	Participant	Training or Conference
1.	Serious Fraud Division Manager Ms Jayneeta Prasad	Pacific Typologies Workshop held in Brisbane, Australia from 6 – 8 March 2013
2.	Director of Public Prosecutions, Mr Christopher Pryde	Heads of Prosecuting Agencies Conference (HOPAC) held in Hong Kong from 29 – 31/05/13
3.	Serious Fraud Division Manager, Ms Jayneeta Prasad and Legal Officer Aisea Paka	Asia Pacific Group on Money Laundering held in Shanghai, China from 13 – 30 July 2013
4.	Director of Public Prosecutions, Mr Christopher Pryde	International Symposium on Economic Crime held in Cambridge, UK from 1 -8 September 2013
5.	Director of Public Prosecutions, Mr Christopher Pryde	IAP & General Meeting held in Moscow, Russia from 8 - 12 September 2013
6.	Principal Legal Officer, Ms Seini Puamau	Post Graduate Certificate In Corruption Studies held in Hong Kong from 2 – 30 November 2013

Year In Pictures



Comments and enquiries should be addressed to:
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Telephone: (+679) 3211 234

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OR

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Telephone: (+679) 3211 551

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