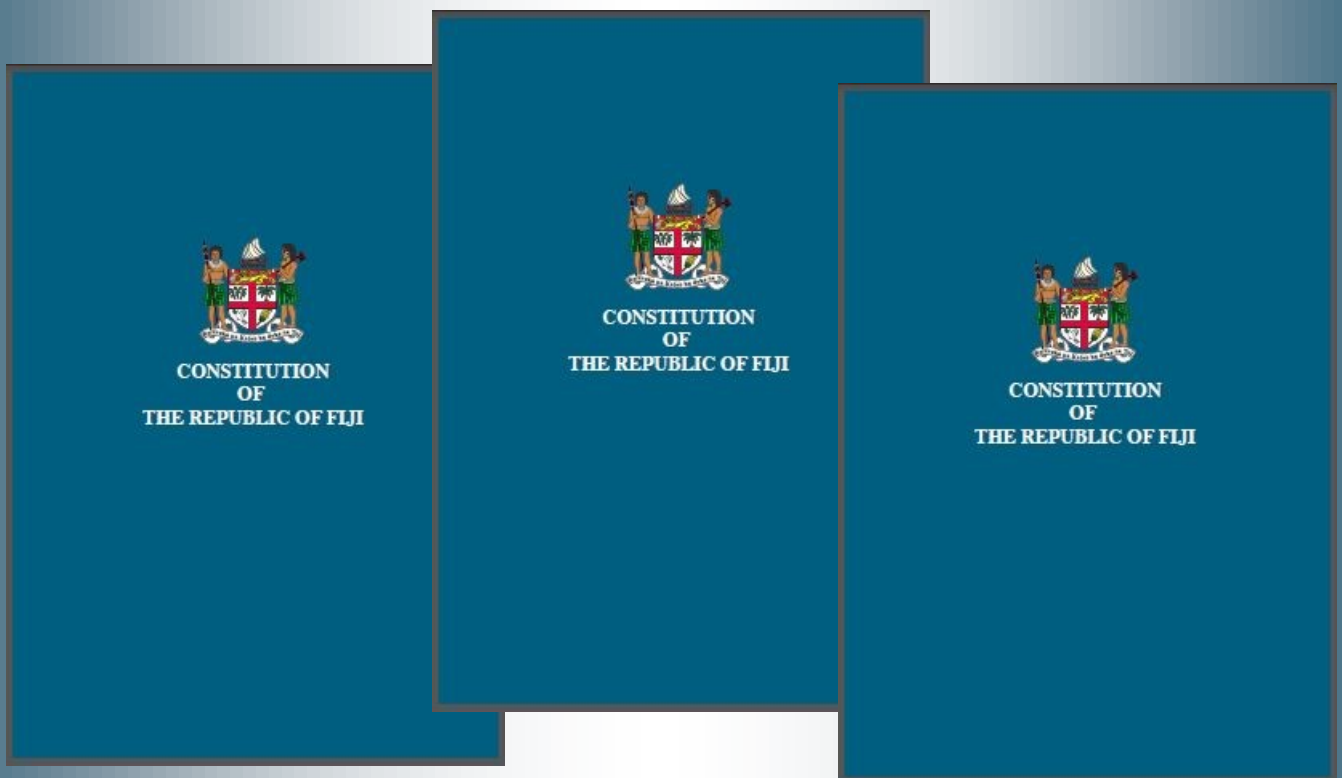




## Office of the Director of Public Prosecutions



# ANNUAL REPORT 2015



***Section 117 of the Constitution states:***

***In the exercise of the powers conferred under this section of the Constitution, the DPP 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.***

# Director's Foreword



**The Director of Public Prosecutions, Mr Christopher T. Pryde**

In response to queries from various media concerning sexual offence statistics in 2015, the Office of the Director of Public Prosecutions (ODPP) decided to collate and release statistics to the public in a more formal, regular and structured manner. Each time an Information (Indictment) is signed by the Director of Public Prosecutions (DPP), the counts (charges) are recorded along with details, such as the type of offence, the location, the sex of the offender and victim, as well as other details of the offence. At the beginning of each month, these statistics are tabulated and released to the media and the general public through our twitter feed and then archived on our website. It is hoped that by regularly publishing these statistics, the public will be more informed about sexual offences happening around the country and the statistics can be used by Government, policy makers, non-government organisations, research groups or interested parties to help formulate evidence-based policy. Over the long term, these statistics should be able to provide policy-makers with evidence of general trends.

The ODPP launched its new improved website in 2015 with a dedicated media centre, containing links to official ODPP press releases, media updates, DPP's speeches, and statistics. It is hoped that the website will be a source of reliable information for the media and the public at large. The ODPP policy is to support the media with its enquiries and, to ensure fairness and transparency, circulate updates to all media organisations, regardless of which media organisation made the request. Our "Most Favoured Media Organisation" policy ensures that the media organisation that requests an update will receive it, knowing the update will be given to all other media organisations at the same time through our twitter account and website. In other words, there are no exclusives on news and all media organisations are treated equally.

**Christopher T. Pryde**

**Director of Public Prosecutions**

## VISION, MISSION, VALUES & GUIDING PRINCIPLES

### Vision

A modern and professional prosecution service that fosters national goals and aspirations of peace and good governance through the rule of law.

### Mission

To promote and uphold the rule of law by providing a modern, professional and effective prosecution service to the people of Fiji.

### Values

- Independence
- Fairness; and
- Courage

### Guiding Principles

The ODPP operates in accordance with the principles enshrined in the Constitution of the Republic of Fiji, with international standards for prosecutions, and with principles of corporate good governance.

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# Role of the ODPP

The Office of the Director of Public Prosecutions (ODPP) was first established in 1970. It has continued in existence as an independent regulator of criminal proceedings in Fiji by virtue of successive legal instruments and, today, operates within the powers and functions assigned to the Director of Public Prosecutions (DPP) by virtue of section 117 of the Constitution of the Republic of Fiji.

Section 117 empowers the DPP to:

***(a) institute and conduct criminal proceedings;***

***(b) take over criminal proceedings that have been instituted by another person or authority (except proceedings instituted by the Fiji Independent Commission Against Corruption (FICAC));***

***(c) discontinue, at any stage before judgment is delivered, criminal proceedings instituted or conducted by the DPP or another person or authority (except proceedings instituted or conducted by FICAC); and***

***(d) 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 personally exercised by the DPP, or through other persons acting on the DPP's instructions.***

## Independence of the ODPP

The Constitution at section 117 (10) states:

***In the exercise of the powers conferred under this section of the Constitution, the DPP 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.***

The Constitution requires 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 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 proceeding; and gives the DPP authority to appoint, remove and institute disciplinary action against all staff (including administrative staff) of the ODPP.

# Criminal Prosecution

The DPP commands a crucial position within the criminal justice system and within a democratic nation.

The DPP reviews and, where warranted, sanctions prosecutions before the Magistrates' Courts and the High Courts of Fiji. Cases of special difficulty or of public interest in the Magistrates' Courts are prosecuted by the ODPP. Summary offences are ordinarily prosecuted by Police Prosecutors with oversight by the DPP.

The DPP files appeals, where warranted, to the High Court, Court of Appeal and Supreme Court. Counsel at the ODPP contributes to the continual development of Fiji's criminal jurisprudence by making submissions in relation to appeals before the High Court, Court of Appeal and Supreme Court.

The ODPP, under the direction of the DPP, plays a key role in supporting the enforcement of criminal laws, international laws, 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.

The ODPP also conducts a variety of training programmes for Police Prosecutors and prosecutors from other government agencies.

Another major component of our work involves the provision of written advice to the Commissioner of Police, the Director of the Criminal Investigation Department and to other govern-

mental departments and statutory organisations.

## 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, which will replace the Prosecution Code of 2003 that was issued under section 76 of the Criminal Procedure Code of 2009. The Prosecution Code is an important guidance tool for our prosecutors to aid 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.***

## Drafting Criminal Charges

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

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

# ODPP Offices

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

The headquarters has three sub-divisions: Serious Fraud, Child Protection and the General Crimes Division. All corporate sections have their headquarters in the Central Division, with administrative and registry support officers assigned to regional officers around the country.

There are four offices in the Western Division; 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 role of the ODPP is to ensure that all criminal cases in every part of Fiji are prosecuted in accordance with the law, under sound prosecution principles, and in a timely manner.



**ODPP Headquarters, Gunu House, Suva**

# Serious Fraud Division

The Serious Fraud Division (SFD) is situated on the second floor of the ODPP headquarters, Suva. The SFD deals with major fraud cases, such as deception, money laundering, abuse of office, corruption and theft or larceny by servant.

## Team

Ms Jayneeta Prasad continued as the Manager of the Division with Mr Aisea Paka and Ms Mehza-been Khan, two legal members of the SFD. Ms Moira Konrote joined the Division in the middle of the year.

## Core Functions

The SFD prosecutes matters as directed by the DPP. The majority of the cases dealt with by the Division are deception, money laundering, theft and dishonesty offences. The Division also handles applications under the Mutual Assistance in Criminal Matters Act, as well as under the Extradition Act. The Division also makes applications for the restraint and forfeiture of properties under the Proceeds of Crime Act (POCA) and assists stakeholders with their anti-money laundering regimes. Under the POCA, the DPP is authorised to initiate court proceedings to restrain property that can be reasonably suspected of being tainted property; that is, it was derived or realised from the commission of an offence. Once a restraining order is granted, the property (including bank accounts and real property) can no longer be dealt with. This means the defendant may not dispose of the



*(L-R) Legal Officer Ms Mehzabeen Khan SFD Manager, Principal Legal Officer Ms Jayneeta Prasad and Legal Officer Mr Aisea Paka*

property in any way whilst the restraining order remains in force.

The team also take part in the Anti-Money Laundering (AML) Council Working Groups (Legal and Law Enforcement). Currently, Ms Prasad, as a representative of the DPP, is Chair of the AML Legal Working Group. Mr Paka and Ms Khan were also active participants in the Legal and Law Enforcement Working Groups throughout 2015.



*Legal Officer Ms Moira Konrote joined the SFD later in the year*

# Serious Fraud Division

## Training

The Division provides training to the Police and other stakeholders on money laundering and fraud offences. The Division was also involved in upgrading their skills in prosecuting fraud matters through in-house ODPP training and training overseas.

## Year in Review

In 2015, the Division dealt with a number of cases such as cybercrime, money laundering, deception and theft. The victims of money laundering are predominantly large companies, such as banks and, in a few instances, government departments. The funds were obtained by misusing computer systems and deception. In the majority of the theft matters dealt with by the Division, the offenders were mostly the employees of the organisation.

For instance, in the case of **State -v- Vikash Mehta [FJMC] Crim. Case No. 143 of 2014**, an employee of a prominent bank laundered a total of \$356,707.36. The money had been siphoned from the bank and then transferred to other account holders. The account holders had then withdrawn cash and given it to the accused. The Magistrates' Court sentenced the accused to eight years imprisonment which was later reduced to five and a half years upon appeal.

Another noteworthy case was **State -v- Savita Singh [FJHC] Crim. Case No. 250 of 2014**. In this matter, Fiji Revenue and Customs Authority

funds were laundered through fraudulent tax claims. Savita Singh pleaded guilty while two other co-accused pleaded not guilty. The amount alleged to have been laundered was over \$100,000.00. Savita Singh was sentenced to five years imprisonment whilst the two co-accused matters remain pending.

In 2015, the SFD made an application to forfeit over \$8000.00 cash to the State in the case of **State -v- Isikeli Tamani and Amena Araibulu [FJHC] Civil Action No. HBM 152 of 2014**.

The application to forfeit the money was made in the High Court on the basis that the cash was tainted property. The money in question was received by the defendants to clear a shipment of drugs. The application to forfeit the money to the State was granted and the money is now the property of the State and held in the Forfeited Assets Fund. The Division also handled two mutual legal assistance requests. The two requests dealt with enforcement and registration of foreign restraining orders in Fiji. The properties in question were three pieces of land in Fiji with a value of around \$2.7 million. The properties in Fiji were believed to have been purchased through money obtained from selling illicit drugs in foreign countries. The applications to register the foreign orders were made in the civil jurisdiction of the High Court.

# Serious Fraud Division

For all three properties, the State was successfully able to temporarily restrain the properties whilst the High Court continued to deliberate on the substantive matter. The ODPP was also authorised by the Attorney General to commence extradition proceedings in 2014 on an application from the United States.

The SFD handled the extradition application and filed the application for extradition in the Suva Magistrates' Court. In 2015, after a successful extradition hearing, the High Court ordered Kinho Lo to be surrendered to the United States of America. (**State -v- Kinho Lo [FJHC] Crim. Case No. 199 of 2014, 16 March 2015**). Kinho Lo was

alleged to have committed offences relating to forgery of passports and personation in the United States.

## Summary

The SFD had 39 active files from 2014 and one extradition matter. The Extradition was successful. The SFD continues to carry out its core functions and handles the majority of large fraud matters in the country.



***ODPP Principal Legal Officer Ms Jayneeta Prasad (3rd from left), Director of Public Prosecutions Mr Christopher Pryde (5th from left) and Commissioner of Police Ben Gronewald (1st from right) with members of the U.S. Federal Bureau of Investigations.***

# General Crimes Division

The GCD is the largest Division within the ODPP. The General Crimes Division (GCD) prosecutes cases that are not classified as fraud offences or child-sensitive matters such as offences against person (murder, manslaughter, infanticide), administration of lawful authority, sexual offences, criminal recklessness and negligence, crimes against humanity and offences against persons liberty and traffic offences and offences against public and international order.

## Core Functions

The GCD engages in a variety of legal tasks ranging from giving legal advice on general crime file dockets to the DPP, through the Manger GCD; conducting criminal trials before the Magistrates' Courts and the High Court; and conducting appeals for matters in the High Court, Court of Appeal and Supreme Court.

## Team

The GCD has a Principal Legal Officer, two Senior Legal officers and ten Legal Officers in 2015. Mr Sekonaia Vodokisolomone had taken over from Mr Lisiata Fotofili who was transferred to our Labasa Office as the Manager General Crimes Division in May. Mr Timoci Qalinauci and Ms Darshani Kumar were the two Senior Legal Officers and the ten Legal Officers making up the rest of the Unit are; Mr. Rajneel Kumar, Ms Sujata Loldhia, Ms Siteri Navia, Ms Moumita Chaudhary, Ms Unaisi Tamanikaiyaroi, Ms Shirley Tivao, Ms Saini Naibe, Mr Eoghn Samisoni. Towards the end of the year the Division was joined by Legal

Officers, Mr Taitusi Tuenuku and Ms Bhavna Kantharia. The Unit is supervised by the Assistant Directors, Mr Mosese Korovou and Mr Lee J. Burney.

## Training

The Division assists in providing training to Police on offences apart from fraud and child sensitive matters. The members of the Division were also actively involved in upgrading their skills in prosecution through in-house ODPP training and training overseas. Mr Timoci Qalinauci attended the Anti-Corruption Training in Hong Kong from 3-28 November, 2015, and Ms Siteri Navia attended the Pacific Islands News Association (PINA) workshop in Western Samoa in November, 2015.



*Principal Legal Officer Mr Sekonaia Vodokisolome manages the General Crimes Division.*

# General Crimes Division

## Year in Review

In 2015, the Division dealt with cases, such as murder, manslaughter, infanticide, aggravated robbery, aggravated burglary, arson, adult and child rape, theft and serious assault offences. One of the murder cases dealt with during this period was **Xian Jiong Yang -v- STATE [HAC 241/13]** where the accused person (an expatriate) was hired from abroad to kill the victim in Fiji. This killing was pre-planned and it was executed outside the Traps nightclub located in Suva in 2012.

This case sent a strong message that people who are perpetrators of such crimes are not just locally based but also expatriates hired from overseas to commit serious crimes in Fiji.

The matter went for trial after the accused pleaded not guilty. The Court agreed with the assessors unanimous guilty opinion and convicted the accused. The accused was sentenced to a mandatory life imprisonment with a minimum term of 17 years before a pardon could be considered. Currently, the accused has appealed his conviction and sentence to the Court of Appeal. The matter is before the Full Bench.

Another noteworthy case was **State -v- Saleshe Kumar Crim. Case No. 124 of 2013, 15 October, 2015**. The bus driver in this case was charged with manslaughter, arising from breach of duty. The driver had failed to comply with his

duty towards his passenger, which resulted in the passenger's death. The accused pleaded not guilty in the High Court at Suva and the matter went to trial. He was convicted after the trial and sentenced to four years and ten months' imprisonment with a non-parole period of three years.

In **State -v- Wati Apenisa [2015] FJHC 512; HAC22.2015 (17 June, 2015)**, the Court recognised the effect of lack of support and desperation of a woman carrying a child, which she perceived to have been conceived in disgrace. The accused gave birth to a baby and dumped her baby in a pit toilet. The accused was initially charged with murder; however, after receiving the psychiatric report of the accused, the State reduced the charge to infanticide. She pleaded guilty and was ordered by the Court to live in her home village of Moala and be on probation for two years. The Court also ordered that the accused be under the supervision of a Welfare Officer from the Social Welfare Division.

# General Crimes Division

In one of the Aggravated Robbery matters dubbed the BSP Bank Robbery (**State -v- Usumaki [2015] FJHC 259; HAC338.2012S (20 April, 2015)**) the accused, who were mainly convicted prisoners, had escaped from prison and conducted a series of robberies around the Suva City area, including the BSP Bank where FJD\$70,000.00 cash was stolen. Two of the accused after trial were found guilty of Aggravated Robbery and sentenced to 17 and 12 years, respectively.

## Summary

The GCD had completed a number of manslaughter, aggravated robbery, assault, and defilement cases in 2015, including sedition offences. The DPP charged various people with sedition offences, which attracted a lot of media and public attention. A total of 60 people were charged in three different cases. These cases are continuing before the courts next year.

# Child Protection Division

The ODPP has a dedicated Child Protection Division (CPD) to handle prosecutions that are sexual in nature and involve child victims and child witnesses.

The CPD was established by the ODPP Child Protection Guidelines (Guidelines) of 2009. The Guidelines set out the operational ambits of the CPD, for instance: the steps in building rapport with the child victim; considerations when deciding whether to oppose bail for an accused, and considerations relating to pre-trial applications, such as witness protection applications.

This policy document is instrumental in ensuring that all available avenues for a safe and child-friendly prosecution process is undertaken by involved parties within the criminal justice system. The Guidelines ensure that all matters in which a child is a victim or a major witness are referred to the ODPP from the Police. This includes referrals from the Police during the stages of investigation for consultation and, when necessary, facilitated through the Police Liaison Officer based at the ODPP. The Guidelines also facilitate communication and referrals, where necessary, between the ODPP and the Social Welfare Department through the establishment of a liaison officer based at the Social Welfare Department.

The DPP secured additional office space at level 3 of Dolphins Plaza, Suva for the CPD to relocate to in 2016. The space provides a child witness preparation room, conference room, victim sup-

port officer's room and offices for the legal staff.

## Team

The CPD was headed by Principal Legal Officer, Ms Pauline Madanavosa. Ms Madanavosa was assisted by Mr Meli Vosawale (Senior Legal Officer), Ms Kimberly Semisi (Legal Officer) and Ms Lavenia Bogitini (Legal Officer). In the later part of the year, the CPD welcomed two new legal officers; Mr Simione Seruvatu and Ms Swastika Sharma.



*The CPD Manager Principal Legal Officer Ms Pauline Madanavosa.*

# Child Protection Division

## Year in Review

The Division successfully prosecuted a number of high-profile cases involving children and vulnerable victims. In **State -v- Emori Ratudamudamu HAC 204 of 2014S**, the 58-year-old step-father raped his 6-year-old step-daughter on numerous occasions in 2014 and was sentenced to 15 years' imprisonment by the High Court in Suva. The prosecutor made an application in Court to have the trial expedited given the tender age of the child.

In **State -v- Joveci Rabutoro & Ors HAC 205 of 2014S**, four bouncers of the prominent hotspot Ritz Niteclub in Suva were prosecuted for violently raping a 20-year-old patron inside the nightclub. The High Court in Suva sentenced the four bouncers to 14 years' imprisonment.

The Court of Appeal, in its ruling on the matter of **Kumar -v- State [2015] FJCA 32; AAU0049.2012 (4 March, 2015)**, confirmed the non-corroboration rule as per section 129 of the Criminal Procedure Decree, and stated that the non-corroboration rule does not infringe on the rights to a fair trial of an accused person.

## Summary

The CPD considers the concerns of vulnerable victims by applying for name suppression orders, closed court and screening sessions, and permission for a child support person to sit with the child when they are required to give evidence in court. This minimises waiting time for children in court and encourages counselling for victims and child witnesses, following the commission of violent or sexual offences.



*Legal Officers (L-R) Mr Simone Seruvatu, Ms Kimberly Semisi, Ms Swastika Sharma, Ms Lavenia Bogitini and Senior Legal Officer Mr Meli Vosawale.*

# Northern Divisional Office

The ODPP Labasa office prosecutes offences throughout the Northern Division, which includes the provinces of Bua, Cakaudrove and Macuata, as well as the outer islands of Kioa and Rabi.

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

## Team

The ODPP Labasa office was managed by one Principal Legal Officer, Mr Lisiata Fotofili and one Legal Officer, Ms Amelia Vavadakua. They were assisted by a Clerical Officer, Mr Muni Sharma and Typist, Ms Sofaia Takayawa. The Labasa office is largely responsible for prosecutions at the Labasa and Nabouwalu Magistrates' Courts.

This year, the ODPP established an office in Savusavu. The office has a Legal Officer, Ms Wakesa Elo and Litigation Officer, Ms Reshmi Peters, and a Driver, Mr Dhirend Chand. The Savusavu office is largely responsible for prosecutions at Savusavu and Taveuni Magistrates' Courts. All prosecutors in the Northern Division occasionally appear and prosecute cases in the High Court at Labasa.

## Training

External training to prosecutors from other agencies was a consistent feature in 2015. This was normally held at the Macuata House at Labasa where ODPP prosecutors were the facilitators. The bulk of the participants were police prosecutors, town council enforcement officers, and commerce commission investigators or prosecutors. The training was usually held on a Saturday of the third week of each month.



*Northern Division Manager, Principal Legal Officer  
Mr Lisiata Fotofili.*

# Northern Divisional Office

## Year in Review

The Northern Division office prosecuted a number of cases, such as rape and manslaughter.

In **State -v- Tomasi Takaka HAC 41 of 2014**, the accused was convicted after trial of manslaughter by the High Court at Labasa in July 2015. On 26 August, 2014 in Uma Village, Rabi Island, a group of men spent the night binge drinking after a church fundraising event. Tomasi Takaka and the victim developed some ill feelings as the night wore on and, before too long, a fist fight ensued between the two.

The victim was dragged to the concrete floor in a darkened room used for village meetings by Tomasi Takaka who continued his assault by kicking and stomping on his head. The other men who were drinking with the two had already left the area.

The pathologist described the injuries and said that excessive force must have been used to cause the injuries that killed the victim. The cause of death was a haemorrhage to the brain caused by extensive haemorrhaging to the scalp, face and neck of the deceased.

Tomasi Takaka pleaded guilty to manslaughter on the first day of the trial.

He was convicted and sentenced to 39 months' imprisonment with a non-parole period of 30 months.

Another case of interest was that of **State -v- Hind Lal HAC 29 of 2014**, where the accused was convicted of four counts of rape.

Hind Lal was a 27-year-old tertiary student who raped a first-year tertiary student on different occasions in a settlement in Labasa in February 2014. He took the 20-year-old victim to his house on the pretext of showing her some books that could be useful to her. He then raped her and took naked pictures of the victim and threatened to release the pictures on social media if she did not allow him to have sex with her again.

He used the pictures and blackmailed the victim on other occasions and raped her. During one of the occasions when he attempted to rape the victim, he was arrested by police with help from the public.

During the arrest, a memory stick was also retrieved from the accused, which contained naked images of other girls.

The court ordered that the memory stick and the contents be destroyed. Hind Lal was sentenced to 14 years' imprisonment with a non-parole period of 12 years.

# Eastern Divisional Office

The ODPP Nausori office serves the Magistrates' Courts at Nausori, Korovou, Vunidawa and island Court sittings at Koro Island, and Ovalau. It prosecutes offences throughout the Eastern Division, which includes the provinces of Tailevu, Lomaiviti, Rewa and Naitasiri. State Counsel based at Nausori office prosecute indictable offences from that jurisdiction before the High Court in Suva. The Nausori office is located at Main Street, Nausori. Under its establishment, the Eastern Divisional office deals with five police stations and 21 police posts.

## Team

The ODPP Nausori Office was headed by Principal Legal Officer, Mr Yogesh Prasad. He was assisted by two Legal Officers; Ms Susan Serukai and Mr Taitusi Tuenuku. There were two administration staff, Ms Nunia Bogi (Executive officer) and Ms Veena (Typist) who looked after the litigation and registry work of the Eastern Division in 2015.

## Training

The Eastern Division team of the ODPP actively participates in training summary prosecutors within its division and also holds regular monthly training sessions for the Police summary prosecutors from the Central, Southern and Eastern Divisions.



*Mr Yogesh Prasad, Principal Legal Officer manages the ODPP, Nausori.*

# Eastern Divisional Office

## Year in Review

In 2015, the Eastern Division dealt with two manslaughter cases. One incident was of a domestic feud in the matter of **State – v- Alipate Rarawa HAC 29/2014**, where the accused was the biological brother of the victim. The victim was killed when the accused kicked a burning stove towards him. Initially, the State indicted the accused on a murder charge; however, the defence of provocation was proven and, as such, the accused was convicted for a lesser offence of manslaughter and sentenced to four years' imprisonment.

In another matter, **State -v- Sele Caucau HAC 226/2013**, following a village land dispute, the accused pulled the victim from a horse and kicked his head. The victim died several days later. The accused was found guilty of manslaughter and sentenced to 6 years' imprisonment.

Also in 2015, the Eastern Division dealt with an influx of sexual offences, mostly children as victims below the age of 12. In most cases, the accused were members of the victims' family.

In the matter of **State -v- Seremaia Suvenaika HAC 125/2011**, the accused repeatedly had sex with his biological daughter over a number of years, before it was finally reported. After the trial, the accused was found guilty of incest and sentenced to 17 years' imprisonment with a

non-parole period of 16 years. Whilst the sentence in this matter surpassed the normal tariff of incest under the common law, the learned Judge found disturbing facts, which were proven beyond reasonable doubt by the State and, as a form of future deterrence and a strong warning to society, a 17-year sentence was imposed.

A particular heinous case was a rape case from Nakasi handled by the ODPP Eastern Division. In this matter, **State -v- Ilaitia Nalawa HAC 257/2015**, a 9-year-old school girl was returning from school and was going towards her home when the accused abducted her, assaulted and raped her. After an intensive investigation, the accused was finally apprehended. The matter has been listed for trial in early 2016. This matter became a national issue and attracted maximum media attention from the time of the alleged incident to the accused's arrest.

# Western Divisional Office

The ODPP Lautoka serves as Divisional headquarters for four District offices at Sigatoka, Nadi, Lautoka and Ba. These offices came under the supervision of the Divisional Manager West and Principal Legal Officer, Mr Semi Babitu.

The ODPP Western offices serve the Magistrates' Courts at Sigatoka, Nadi, Lautoka, Ba, Rakiraki and Tavua. They also serve the High Court of Fiji at Lautoka.



***Mr Semi Babitu (forefront) Principal Legal Officer, manages the ODPP Western.***

The Western Division team predominantly prosecutes summary offences and indictable offences under the Crimes Decree, 2009 and the Illicit Drugs Control Act, 2004.

The ODPP Western offices are also responsible for providing advice to the Divisional Prosecuting Officer Western and the Divisional Crime

Officer Western.

The ODPP in the Western Division provides legal advice to law enforcement agencies and conducts trials and files appeal for all offences on behalf of the DPP.

This includes advice to police on live files that are before the Courts and also cases still at investigatory levels. The Division also makes applications covered under the Criminal Law in both the High Court and the Magistrates' Court.

Appeal Papers are also prepared for matters in the Court of Appeal with the supervision of one of the Assistant Directors of Public Prosecutions.

## Training

As part of its role in the ODPP, the ODPP West held monthly workshops with Police Prosecutors, Prosecutors from the Ministry of Health, and Prosecutors from the Commerce Commission, LTA Prosecutors and members of the legal fraternity.

The workshops covered all aspects of matters in relation to the Criminal Law. These workshops were conducted by the legal officers from the Western Division.

# Western Divisional Office

## Team

The Western Division team was made up of the following Legal and Senior Legal Officers. Ms Wakesa Elo was transferred to ODPP Savusavu in the fourth quarter of 2015.

### *Western Division Staffing 2015*

#### Lautoka Office

- Officer in Charge, Principal Legal Officer, Mr Semi Babitu
- Senior Legal Officer, Ms Shelyn Kiran
- Legal Officer, Ms Wakesa Elo
- Legal Officer, Ms Rukalesi Uce
- Senior Administrative Officer, Mr Maciu Nacaucaulevu
- Administrative Officer/ Litigation, Mr Ratnesh Kumar
- Clerical Officer, Mr Eneriko Taukei
- Driver/ Messenger, Mr Satish Sharma

#### Nadi Office

- Senior Legal Officer, Mr Josaia Niudamu
- Legal Officer, Mr Alvin Singh
- Typist, Ms Vasiti Adikula

#### Ba Office

- Senior Legal Officer, Ms Luisa Latu
- Legal Officer, Mr Aman Datt
- Clerical Officer, Mr Sunil Raniga
- Typist, Ms Swaran Kaur

#### Sigatoka Office

- Senior Legal Officer, Ms Juleen Fatiaki
- Clerical Officer, Ms Vineshni Devi
- Driver/ Messenger, Mr Luke Nakulanikoro

# Western Divisional Office

## Year In Review

The ODPP Western Office has dealt with a number of cases involving various offences.

Recently, there were two cases that hit the headlines in the country, involving foreign nationals associated with locals in the possession and importation of illicit drugs.

A noteworthy case handled by the ODPP West, was the case of **State -v- Joseph Nayef Abourizk and Josese Muriwaga (HAC 126 of 2015)**. The first accused was an Australian national who came to Fiji on a holiday visa. While in Fiji, he met with the second accused, Josese Muriwaga. The Fiji Police Force had been monitoring the movements of the two accused while they were travelling in the Western Division. On the day of their arrest, the vehicle that both men were in contained 49.9 kilograms of cocaine. This was one of the largest drug busts in Fiji with the drugs being valued at millions.

Both accused were charged with one count of Unlawful Possession of Illicit Drugs contrary to section 5 (a) of the Illicit Drugs Control Act, 2004. Both men were remanded in custody while awaiting their trial.

Another case of interest in the Western Division was the drugs case of **State -v- Ethan Kai (HAC 1 of 2015)**, where he was found guilty after trial and sentenced to 15 years' imprisonment with a non-parole period of 14 years' im

prisonment. In this case, Ethan Kai was charged with another for Unlawful Importation of Illicit Drugs contrary to section 5 (b) of the Illicit Drugs Control Act 2004. The accused and another had imported 29.9 kilograms of Heroin, which was concealed in the tyres of quad bikes.

With an increase in drug-related offences, a tariff for hard drugs, such as cocaine and heroin is yet to be established by the Courts in Fiji to provide a guideline on how the Courts should approach such cases.

# Corporate Services Division

The Corporate Services Division is a central enabler to the operations of the ODPP, comprising Human Resources and Training, Finance, Information Technology, Registry, Media and Library Services sections of the ODPP.

This year's annual report focuses on performance reporting, which provides the structure for the Division to measure its progress in terms of meeting its goals in alignment with the strategic direction of the ODPP. Over the past year, the Division focused on continuous improvement to increase efficiency and accountability by improving services to criminal justice and streamlining administration work. The Division also continues to provide leadership with regards to corporate projects, such as active attendance management, monitoring HR policies and procedures and adherence to the Code of Conduct and Human Resources Manual. The Division also formulates and implements the annual corporate, business and training plans.

The Corporate Services Division is headed by the Manager Human Resources, Principal Administrative Officer, Ms Charlotte Nambiar. The Divisions is responsible for the entire administrative and financial functions for the ODPP throughout Fiji.

The ODPP comprises 93 staff of which 46 are Professionals and 47 are Corporate.

## Human Resources Management

Human Resources continues to play a critical role in ensuring that the ODPP has a high-performing and engaged workforce. The function of the HR Manager is to promote excellence in human resource management and support the implementation of the best practices of organisational strategies. The HR Manager is also responsible in assisting with recruiting, motivating, retaining the best people, sustaining a high performing workforce and meeting legal compliance.



*(L-R) Director of Public Prosecutions, Mr Christopher Pryde and Human Resources Principal Administrative Officer Ms Charlotte Nambiar.*

# Corporate Services Division

The ODPP HR department provides administration duties that are aligned with the values of integrity, excellence and wellness. The core functions of HR Department are:

- **Organisational Effectiveness**

The HR's aim is to strategically plan for future employment needs while maximising the effectiveness of current employees. One of the challenges is identifying the competencies needed in the future. A second challenge is evaluating the skills of current employees and getting them well equipped to fill future vacancies.

- **Employment and Compensation**

The goal is to ensure that employees fulfil their contractual obligations, and that contracts are renewed upon satisfactory performance reviews. HR also ensures employees are well compensated to perform at their best level. The Finance section takes care of employee salaries.

- **Employee Relations**

Employee Relations involves reaching out to members of the ODPP in order to work more collaboratively and help improve working relationships. HR plays a critical role in providing career counselling, conflict resolutions and informal problem solving. It also assists in the discipline and grievance functions.

- **Employee Communication**

HR has an open-door policy where employees

are welcome to discuss their issues and concerns. HR, in conjunction with the Sports Social Club, encourages various activities involving employees getting together and socialising. Since the ODPP is enhanced by the professionalism, dedication, and productivity of its employees, it recognizes commitment and dedication to the organisation through an awards programme, a sports day and other gatherings.

- **A Learning Organisation**

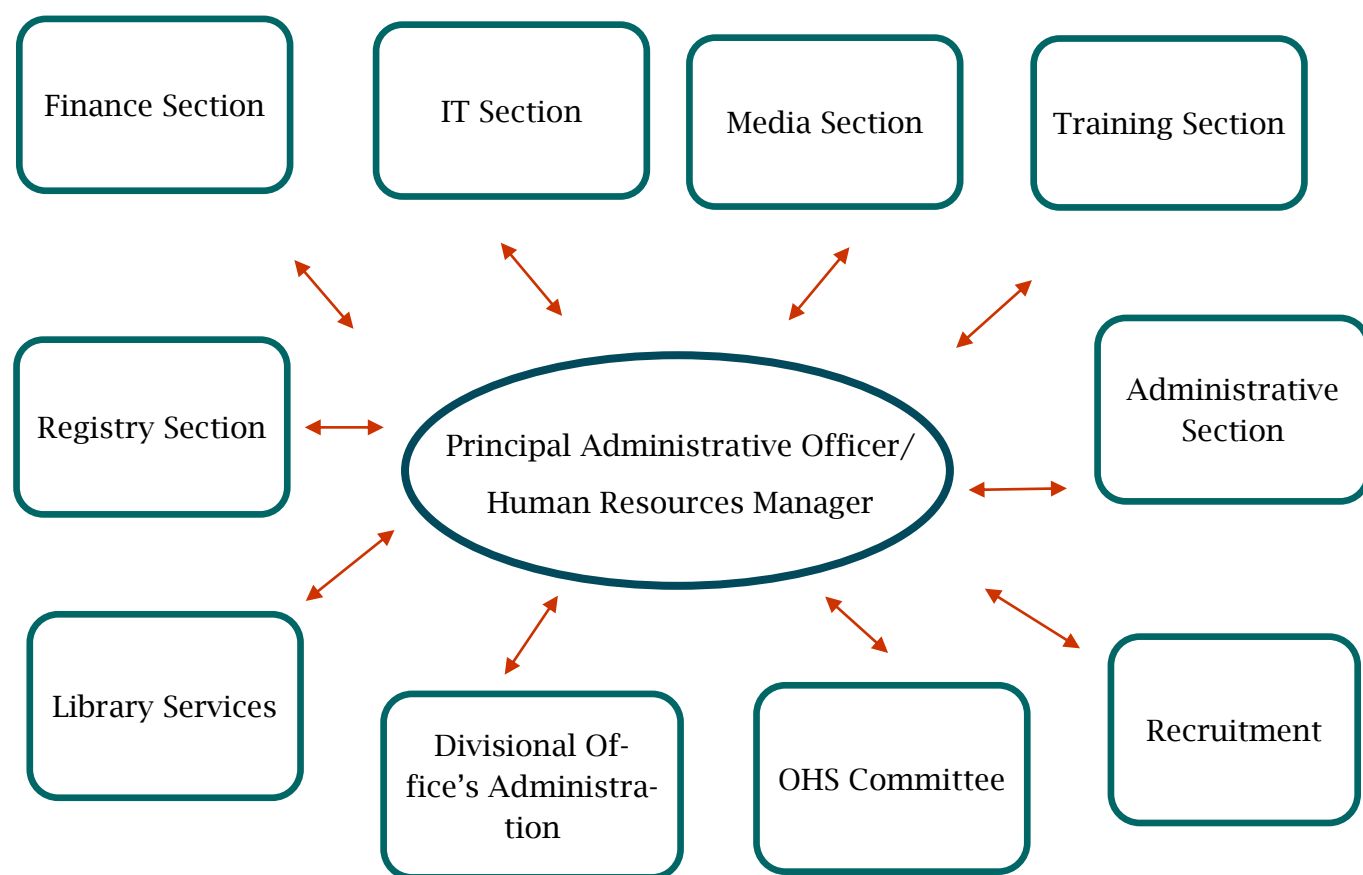
The HR section also focuses on learning and the development of ODPP employees where they are encouraged to perform at required levels. The ODPP's commitment is to align career development practices with the employee's personal goals and existing corporate objectives. Thus, the training team offers organisational development services through various prosecution training sessions. It focuses on developing systems and structuring processes, teams and people within the organisation.

## **Publication**

In 2015, the Division put together an Occupational Health and Safety manual for the ODPP staff, which was endorsed by the DPP.

# Corporate Services Division

## ODPP Corporate Services Division Organisational Structure:



# ODPP Library

The ODPP has a well-resourced and well-structured library based at its headquarters in Suva. The use of the library is limited to the staff of the ODPP but the resources may be made available to other stakeholders, such as the Fiji Police Force, the Fiji Military Forces, the Fiji Independent Commission against Corruption (FICAC) and in-house lawyers in other Ministries upon request.

The Librarian, Mr Ziad Hussein, regularly circulates legislative updates, new decisions and case law for ODPP lawyers. Counsel are also assisted with their individual research queries and regularly supplied with up-to-date legal resources.

The ODPP Library is allocated with a budget that is used to pay subscriptions for legal texts from overseas publishers and the purchase of statutes, such as the Crimes Decree, Criminal Procedure Decree from the Government Bookshop and Government Printers. A subscription was also made for an online research database from Justis Publishing.

## Library Management Software

The Library Management Software was introduced to the ODPP Library for the first time in 2013. The Liberty V5 software was purchased from Softlink Australia Pty Ltd and is the first step in creating an electronic library. The Librarian is in charge of daily updates and uploading information into this software.

The Librarian has catalogued all law text books into this system. In addition, all 2013, 2014 and 2015 judgments (inclusive of the Magistrates Court, the High Court, the Court of Appeal and the Supreme Court judgments) have been entered and a soft copy of these judgments has been uploaded into the system.

All officers can retrieve this information from the software through their computers. A shortcut link for this software has been made available on the server and the users are given individual usernames and passwords.

## Acquisition

The library currently holds Local Acts, Bills, Decrees, Supplements, Laws of Fiji, Ordinances and Supplements from 1970. It also has copies of the Halsbury's Statutes of England (3<sup>rd</sup> and 4<sup>th</sup> Edition) in its collection.

The Library also holds local precedents from the High Court of Fiji (Suva, Lautoka and Labasa).

# ODPP Library

The Library holds the Court of Appeal and Supreme Court (Bound Volumes) from 1977 and keeps a collection of law reports from other countries, including:

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

## Inter-Library Loan

The ODPP Library, on an inter-library loan basis, exchanges legal textbooks and reports with the Suva High Court Library and the Attorney General's Library, mostly overnight or weekends.

## Law Text Books

The library purchased 13 titles of law text books/law reports in 2015. These text books were purchased in order to strengthen our library collections and provide our officers with the latest information relating to criminal law.

Payments for these titles were made towards the end of 2014. However, these books were re-

ceived by the library in February 2015. Some of these are new titles while the others are the latest editions of the existing titles.

The following Law textbooks were purchased during 2015:

- *Global practice of Forensic Science/ Ubelaker, D.H. - 1 copy*
- *Standards for prosecutors: An analysis of the National Prosecuting Agencies In Ireland, NSW (Australia), The Netherlands and Denmark/ Hancock, B. and Jackson. J. - 1 copy*
- *Crisis: The Collapse of the National Bank of Fiji/ Grynberg, R., Munro, D. and White, M. - 1 copy*

Apart from the titles mentioned above, the ODPP Library also purchased 16 more titles of law text books/ law reports. Some of these were new titles while others were the latest editions of the existing titles. These text books were purchased in order to strengthen the library collections and provide ODPP officers with latest information relating to criminal law.

## Annotated Laws

The library also bought annotated law books from Chan Law. A copy of the annotated law books were distributed to all the professional officers that joined ODPP in 2015 for their use in Court and Research.

# ODPP Library

Below is the list of annotated law books purchased.

- ♦ ***Magistrates' Courts Act and Rules - 1 copy***
- ♦ ***High Court Rules - 1 copy***
- ♦ ***Supreme Court Rules - 1 copy***
- ♦ ***Mutual Assistance in Criminal Matters - 3 copies***
- ♦ ***Court of Appeal Act - 1 copy***
- ♦ ***Penal Code - 1 copy***
- ♦ ***Bail Act - 10 copies***
- ♦ ***Crimes Decree, CPD and SPD - 10 copies***
- ♦ ***Illicit Drug Control Act - 1 copy***
- ♦ ***Proceeds of Crime Act - 1 copy***
- ♦ ***Mutual Assistance in Criminal Matters - 2 copies***
- ♦ ***Proceeds of Crime and Extradition Act (Bound Volume) - 2 copies***

Copies of the Bail Act and the Crimes Decree, CPD and SPD were distributed to all the new legal officers who joined ODPP this year, while a full set was distributed to the new ODPP Consultant (Dr. Kylie Doyle).

## Library Donations

In 2015, the ODPP Library received a donation of law texts from the Lionel Murphy Library through the Pacific Twinning Libraries.

## Internet

The Library has internet facilities to assist with research of local or international cases and legislation. This facility has made it easier for the professional officers to prepare their appeal arguments and legal submissions.



***ODPP Librarian, Mr Ziad Hussein.***

# ODPP Library

## Library Subscriptions

An additional magazine subscription was made this year to 'The Economist.' Subscriptions to two additional research platforms were made; Times Law Report and English Reports, both from Justis Publishing.

Tabulated below is the summary of subscriptions made for law journals and law reports in 2015.

Date	Payee	Particulars	Amount
09/02/2015	LexisNexis	NZ Law Journal	NZD \$ 580.00
16/02/2015	Incorporated Council for Queensland Reports	Subscription renewal for Queensland Report parts Vol. 1 Jan – June 2014	AUD \$263.00
27/02/2015	Incorporated Council for Queensland Reports	Subscription renewal for Queensland Report - Bound Volumes 1 & 2 of 2015	AUD \$132.00
08/05/2015	LexisNexis	Aust. Crim. Trial Direction – Issue 54	NZD \$ 1195.00
19/05/2015	Softlink Aust. Pty Ltd	Payment for Liberty Support & Maintenance for 2015	AUD \$ 1157.00
20/05/2015	Justis Publishing	Subscription for Justis and Justcite research platform	GBP 4623.60
08/06/2015	Justis Publishing	Payment for additional two (2) re-search platforms – Times Law Report and English Reports	GBP 1509.95
12/06/2015	LexisNexis	Aust. Crim. Trial Direction – Issue 55	NZD \$1195.00
14/10/2015	The Economist	The Economist Magazine	USD \$ 250.00
05/11/2015	LexisNexis	Aust. Crim. Trial Direction – Issue 60	NZD \$ 813.37
19/11/2015	NZ Law Socie-	Subscription renewal for Law Talk	NZ\$ 202.00
20/11/2015	LexisNexis	Aust. Crim. Trial Direction – Issue 61	NZD \$813.37
23/12/2015	LexisNexis	Aust. Crim. Trial Direction – Issue No.'s 56-59 & 62	NZD \$4314.38

# ODPP Library

## Online Research Site

The ODPP wants to provide better facilities to its staff to improve the efficiency of ODPP work. For this reason, the ODPP continued its subscription with Justis and Justcite.com, which makes research easier and efficient for ODPP officers.

Justis Publishing is an online research database which provides law text and case authorities for other jurisdictions, such as England and Wales. This year, two additional platforms from Justis Publishing were subscribed to. These platforms are the Times Law Report and the English Reports.

The Librarian has been given administrator privilege for this website, which can be used to add or delete the user account. All new legal officers who join the ODPP can access this platform as their accounts have been created and they have been given their account and password. This is an annual based subscription and can be reviewed and then renewed the following year.

## Library Requests

Apart from acquiring and updating Library resources, the ODPP Library also ensures that all daily library requests, including searching for case law (local and overseas), photocopying, binding and preparing disclosures for filing are completed and provided to the officers within the required time.

## Collection Development

The Librarian, in consultation with the Assistant Director of Public Prosecutions (ADPPs) carries out the following tasks for the development of Library's collections:

- ♦ *evaluation and selection of new law text-books, law reports and Journals;*
- ♦ *monitoring of new information sources, such as those on the internet;*
- ♦ *accessioning and cataloguing Law text books;*
- ♦ *sorting, indexing and binding of local government gazettes, supplements, decrees and all local judgments; and*
- ♦ *general maintenance of library law texts and reference materials, including discarding outdated publications, repairing text books, compiling the office system with recent case judgments and upgrading the general library outlook and its organisation of library materials.*

## Case Authorities and Legislations

In 2015, the ODPP Library successfully converted all its 2013, 2014 and 2015 judgments (Magistrates' Court, High Court, Fiji Court of Appeal and Supreme Court) into e-form where they have been uploaded to the Library Management Software. In addition, 2013, 2014 and 2015 legislation (Decrees, Legal Notices, Bills and Acts) have also been converted into e-form. The hard copies of case authorities and legislation are also available in the Library.

# ODPP Registry

An efficient file management system is critical for the ODPP to deliver its services to the courts and members of the public. The Registry Section continually tries to improve its service delivery by updating and refining its filing systems and by improving its use of technology.

The Registry is headed by Mr Apenisa Lewatoro who is assisted by a team of four staff based in Suva. Each Divisional and District office has an officer assigned to carry out the tasks of the registry section in their respective offices.

The Registry is responsible for:

- *the organisation and management of physical file storage;*
- *maintaining and organising the ODPP file database;*
- *the daily reconciliation of cause lists against State Counsel entries on CASES;*
- *managing the logistics of file allocations;*
- *following up on files from police stations and other ODPP offices; and*
- *preparing, and filing documents in court and receiving and effecting service where necessary.*



*Mr Apenisa Lewatoro manages the ODPP Registry.*

## **Criminal Advocacy Support and Enquiry System (CASES)**

An electronic document and records management system called CASES is used by the ODPP. This software allows State Counsel to record and view all information relating to prosecution matters through a single interface. CASES records details of all cases entered, and allows State Counsel to update their matters for record keeping and efficient tracking purposes. CASES allows the DPP, ADPPs and Divisional Managers to track progress of matters handled by the ODPP, and it also allows State Counsel to conduct efficient and fast searches of categorised case matters handled by the ODPP.

## ODPP Registry

In 2015, the Registry reorganised its file storing systems, exhibit and warrant register books, and the annual file census management system. This resulted in the better organisation and categorisation of each type of filing system within the ODPP.

The Exhibit Register book lists records of items that are part of the exhibits in court cases. The Registry took a pro-active stance in ensuring that all exhibits are returned to the police after the conclusion of trials in a timely manner and with properly recorded documentation. Officers handling exhibits, including messengers and drivers, have also been trained to ensure that all procedures are adhered to in terms of documenting the delivery of exhibits to and from the ODPP. The team has also been trained in terms of the safe handling of exhibits to ensure that all OHS regulations are complied with.

A similar policy was established for the management of Warrant Register books to ensure that all warrants uplifted from the courts are signed by officers in carriage of the matter before being sent to the Fiji Police Force for execution.

The ODPP Registry Team was trained to ensure that file censuses are done effectively by following a consistent set of procedures across the ODPP. This exercise ensures that all officers can easily access information about file movement within the ODPP, and to and from external agencies.

Each registry staff undertook continuous training, and there were continuous consultations between legal and registry staff to ensure that every member of staff would be familiar with any change to procedure.



***The Registry Team; (From left) Mr Shalen Kumar, Mr Apenisa Lewatoro, Registry Manager, Ms Kiran Singh, Mr Manoa Keleca and Mr Muni Sharma.***

# ODPP IT

The ODDP Information Technology (IT) section provides assistance to ODPP staff on all technology related matters and continuously encourages the creative and innovative use of technology to achieve the ODPP's stated objectives.

The ODPP IT provides a secure, highly reliable technological infrastructure along with a high quality service and support system for staff at the ODPP.



*Acting Senior Systems Analyst, Mr Latanoa Bulivou*

Mr Latanoa Bulivou solely managed the Section in 2015 as the Acting Senior Systems Analyst.

He facilitated all Skype conference calls between ODPP offices across the country during the Professional Officers *Talanoa* Sessions and during meetings.

The Section is also responsible for the management of training videos and the maintenance of CASES, software that allows State Counsel to work on and view all information

relating to prosecution matters through a single interface.

The Section is responsible for all IT related purchases and maintenance as stated below:

## Photocopiers

The photocopier machine (Canon IR-ADV6275) situated at CPD Top floor Gunu House required repairs on the roller components. The repair was carried out by Datec at a cost of \$314.00.

The Kyocera TASK alfa 300i Photocopier situated at our Lomanikoro House had its components diagnosed by technicians from Copyer Marketing Ltd.

After thorough inspection, the fuser unit component required replacement. It cost \$1,090.20. Repairs were also carried out on the Kyocera TASK alfa 5510i Photocopier situated at our GCD Floor as well. The pulley retard and pulley feeder component required replacement due to wear and tear and cost \$353.38. A new photocopier was purchased for GCD from Remington Ltd at the tendered price of \$15,970.

## ID Cards

New ID cards were printed for six new staff at a total cost of \$119.00.

# ODPP IT

## Printers

The office purchased three High End Colour Printers from Lanier South Pacific Business Systems at the price of \$20,700 (\$6,900 x 3). The office also purchased three Multifunction mono printers for Manager SFD, Ms Jayneeta Prasad, for ODPP Labasa and for the Administration office. The printers were purchased from ABACUS Graphics Ltd at the tendered price of \$2,897.25.

## Business Cards

The newly appointed Legal Officers namely, Mr Alvin Prakash, Mr Taitusi Tuenuku, Mr Simone Seruvatu, Mrs Bhavna Kantharia, Mrs Moira

Konrote and Ms Kylie Doyle (PLO) were issued business cards.

## Laptops

The DPP approved the purchase of 27 Dell Latitude 15 3000 Series Business Class Notebook Laptops from GEM IT Solutions for a unit cost of \$1890.00.

## Toners/ Cartridges

The following toners/ cartridges were purchased and stocked for all printers and photocopiers.

Company	Items	Price	Qty	Cost
LANIER – South Pacific Business Systems	HP CF210A HP 131A Black	\$195.00	5	\$977.50
	HP CE211A HP 131A Cyan	\$282.00	5	\$1,410.00
	HP CE212A HP 131A Yellow	\$282.00	5	\$1,410.00
	HP CE213A HP 131A Magenta	\$282.00	5	\$1,410.00
	CE310A HP 126A Black	\$138.00	5	\$690.00
	CE311A HP 126A Cyan	\$195.50	5	\$977.50
	CE312A HP 126A Yellow	\$195.50	5	\$977.50
	CE313A HP 126A Magenta	\$195.50	5	\$977.50
	KYOCERA TK6309	\$360.00	5	1,800.00
	KYOCERA TK679	\$285.00	5	\$1,450.00
	HP 78A	\$230.00	5	\$1,150.00
Total				\$13,230.00

# ODPP Media

For the delivery of a modern and professional prosecution service, the ODPP aims to strengthen public knowledge on the role of the DPP in the criminal justice system, to assist the media in the accurate reporting of criminal matters and to improve public access to ODPP policies and publications. Through its Media Liaison Officer, the ODPP is able to assist media organisations with information relating to court cases and the different stages of court proceedings.

Ms Parijata Gurdayal continued as the Media Liaison Officer in 2015.

## Revamped Website

The ODPP acknowledged that the public's interest in cases must be balanced against the need to maintain the integrity of the criminal process. Hence, the ODPP diligently strives to assist the public whenever possible to understand how the criminal justice system works and, specifically, the role of the DPP within it.

An external website development firm was assigned the task of developing a new website for the ODPP in 2014. The website now launched contains media updates that are released upon request or when the need arises. The DPP's speeches and press releases are issued from the DPP's desk.

To better inform and educate the public about the functions and workings of the criminal jus-

tice system, and to clarify policies that explain the reasons for decisions to commence, continue or terminate prosecutions, the website also contains copies of booklets, documenting various ODPP prosecution-related policies.

The media can then use these publications to help them understand why it is necessary to ensure that reports concerning the DPP's decisions and the position of the State in court are complete, accurate and fair.



*The Director of Public Prosecutions, Mr Christopher Pryde and the Media Liaison Officer Ms Parijata Gurdayal.*

# ODPP Media

## Media Relations

The ODPP has developed a friendly yet professional relationship with the media and is ready and available to assist the media to accurately report events that occur within Fiji's criminal justice system.

The ODPP has an internal policy of continuously assisting media organisations in their effort to obtain information from the ODPP, concerning any matter it prosecuted before the courts. However, the type and nature of information released is dependent upon the stage and nature of the proceedings being commented on and whether they were subject to any legal prohibition or competing public interest.

## Media Updates

In 2015, there were 89 media updates issued to media organisations upon request and, when necessary, on issues of popular public interest. Media queries ranged from matters under investigation by the Police to matters before the courts and those concluded by the courts.

For matters with Police pending investigations, the ODPP confirmed that the file was with the Police and referred media organisations to the Police Media Liaison Officer.

Updates on matters that were prosecuted by Police Prosecutors and State Counsel were provided to media organisations as requested but

also followed a standard template created by the ODPP.

Copies of judgments, sentences, bail conditions, and rulings issued by the courts were provided to media organisations upon request and when available.

Media advisories were also issued in the form of media updates assisting media organisations to report on court proceedings without leading to any breaches or contempt of court proceedings.

Media organisations were encouraged to seek clarification on matters, even when reporters were present in court to report on proceedings.

In May 2015, the ODPP started compiling Rape and Sexual Offences Statistics for each month.

The updates were released at the beginning of the following month with narration and graphics.

Just like every other media update, the Rape and Sexual Offences Statistics were tweeted to all media organisations, following the ODPP for publication or broadcast. They were later uploaded on the ODPP website for future reference.

# ODPP Media

## DPP's Speeches

The DPP delivered the following addresses in 2015:

**National Prosecution Course, 2015:** An Address by the Director of Public Prosecutions at the ODPP National Prosecution Course Graduation Ceremony held at the Fiji Police Training Academy, Suva on 15 May, 2015.

**Compliance and Corruption:** A Fijian Perspective. An address by the Fijian Director of Public Prosecutions for the 33<sup>rd</sup> International Symposium on Economic Crime held at Jesus College, Cambridge, UK – Session VIII on 10 September, 2015.

## Press Releases

The ODPP issued sixteen press releases in 2015, comprising issues relating to the DPP's decisions on certain court proceedings of popular public interest, with an emphasis on the independence of the ODPP as stipulated in the Constitution of the Republic of Fiji and strengthening the ODPP's objective of delivering a modern and professional prosecution service.

The ODPP issues press releases to all media organisations, including international news agencies. These are uploaded onto the new ODPP website for the media and the public to access.

# Media Section

**Table: List of ODPP Press Releases issued in 2015**

Date Issued	Title of Press Release
27 January 2015	PRESS RELEASE (No.1 of 2015) ODPP begins Prosecution workshop
11 February 2015	PRESS RELEASE (No.2 of 2015) Vilikesa Soko assailants to be charged
16 March 2015	PRESS RELEASE (No.3 of 2015) Court grants States application for extradition
23 March 2015	PRESS RELEASE (No.4 of 2015) International trial advocacy training for ODPP & Legal Aid
15 May 2015	PRESS RELEASE (No. 5 of 2015) Alleged Rebel group discussions need to be restricted
16 June 2015	PRESS RELEASE (No. 6 of 2015) DPP concerned about rise in False Complaints
1 July 2015	PRESS RELEASE (No.7 of 2015) Minister's comments are Inappropriate (Minister for Women Rosy Akbar's comments on rape sentencing)
10 July 2015	PRESS RELEASE (No. 8 of 2015) Alleged Rebel group to be charged
17 August 2015	PRESS RELEASE (No.9 of 2015) Second Group charged with Sedition
27 August 2015	PRESS RELEASE (No.10 of 2015) New Principal Legal Officer appointed
16 October 2015	PRESS RELEASE (No.11 of 2015) Complaint against Commissioner of Police dismissed
21 October 2015	PRESS RELEASE (No. 12 of 2015) Iowane Benedito assailants to be charged
25 November 2015	PRESS RELEASE (No. 13 of 2015) ODPP introduces National Trial Advocacy Training Course for the Private Bar
26 November 2015	PRESS RELEASE (No. 14 of 2015) DPP withdraws charges against Jone Manasa
4 December 2015	PRESS RELEASE (No. 15 of 2015) US recognises Fiji's Assistance
10 December 2015	PRESS RELEASE (No. 16 of 2015) ODPP concludes year in Traditional Style

# Public Outreach

In 2015, the ODPP participated in the following externally organised public outreach programmes. These outreach programs were to assist the public and create public awareness and understanding about the work of the ODPP.

## International Secondary School Careers Exposition 2015

The ODPP participated at the International Secondary School's Annual Careers Expo 2015, which had close to 300 students from around 15 high schools, as well as parents and teachers in attendance. The ODPP stand had information brochures about the role and functions of the DPP, information about the Crimes Decree, information on issues such as Anti-Human Trafficking, the Serious Fraud Division, the Child Protection Division, and the General Crimes Division. It also provided information on our Community awareness and training programmes and information on how charges are laid. The Careers Expo was held on 5 March, 2015 at the International School, Suva from 3– 5pm.



## University of the South Pacific (USP) Career and Entrepreneurial Fair 2015

The ODPP participated at the two-day USP Career and Entrepreneurial Fair 2015. The ODPP set up an information stand and answered questions from visiting students and the public about the ODPP, its role and functions. The ODPP used this as an opportunity to provide information on career prospects at the ODPP to interested individuals. The objective of participating at the USP Career and Entrepreneurial Fair was to provide information to potential candidates who were interested in starting a career at the ODPP. The Expo was held from 11-15 May, 2015 at the USP Laucala Campus, Suva.

Participation at these events were organised and coordinated by the Corporate Services Division and Principal Legal Officer, Ms. Seini Puamau, and every member of the ODPP staff were encouraged to participate.

*Legal Officer Ms Wakesa Elo with students during the International Secondary School, Suva's careers fair.*

# Training & Professional Development

The ODPP continues to deliver a modern and professional prosecution service; one that reflects quality prosecutorial performance and advocacy and delivers an effective prosecution service to the people of Fiji.

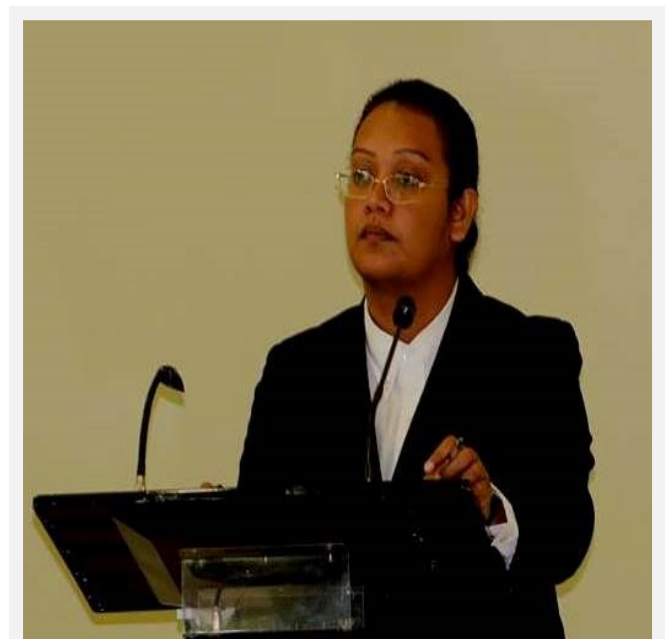
The DPP in 2014, cognizant of his responsibilities under the 2013 Fijian Constitution, appointed Principal Legal Officer, Seini Puamau, to review and develop training programmes for prosecutors in order to build on the crucial position the ODPP commands in the criminal justice system. Ms Puamau arranged and developed training programmes that were approved by the DPP and implemented throughout 2015.

## Monthly Training Programmes for the Professional Legal Staff

The ODPP organised 10 Monthly Training Workshops for its professional legal staff in 2015. The responsibility of selecting training themes and designing workshop materials was undertaken on a rotation basis between each of the three Divisions based at Suva. These training committees then, in collaboration with each of our lawyers and the Senior Management Team, facilitated the delivery of the monthly workshops. The committees brought in a diverse team of facilitators to conduct the training. Professionals and academics, such as former and current High Court Judges and legal consultants were invited to participate to en-

sure our lawyers had the opportunity to learn about developments in the criminal justice system from experts within the field. The day-long programmes were designed to be interactive, involved participatory group presentations and a variety of discussion activities.

The training subjects were well researched, and the training materials and group exercises were also tailor-made to address identified weaknesses and strengths, with the overall aim of enhancing productivity. Evaluation forms were also circulated for each training session to help the ODPP Training Section gather feedback from participants on specific sessions to review and improve future training programmes.



*Principal Legal Officer Ms Seini Puamau in consultation with divisional managers develops training programmes.*

# Training & Professional Development

## Professional Officers “Talanoa” Sessions (POTS)

POTS are informal “talanoa” or discussion sessions between legal staff, held every Friday afternoon from 3.00 pm-4.00 pm.

As knowledge and experience sharing among colleagues is part of our culture at the ODPP, every Friday afternoon is devoted to POTS to discuss issues and concerns that lawyers may have encountered in court during the week.

Discussions include issues relating to court ethics and court etiquette and how legal staff can improve their performance as advocates. POTS also serves as a coaching and mentoring platform where the DPP, ADPPs and senior lawyers listen and exchange experiences with newer members of the ODPP team.



*ODPP Legal Officers and police prosecution officers during the ODPP monthly training.*

# Training & Professional Development

## External Training and Development

The ODPP facilitates the participation of its lawyers at external, local and international, training workshops, including the annual Attorney-General's conference. ODPP lawyers also conduct training for other organisations, such as the Police Academy and for prosecutors from other government agencies.

## International Training

Staff at the ODPP attend overseas training, meetings, conferences and seminars upon the DPP's nomination. When the ODPP receives participation invitations for overseas events, the HR Manager, on the instructions of the DPP, circulates invitations among staff, inviting expressions of interest. The HR Manager then shortlists the pool of potential attendees based on their training needs. For all external training, it is mandatory that employees submit a report on the event attended within 14 days,

following their return. They are also required to present their report during the monthly training workshops for professional legal officers.

## Regional Training

Two regional training events were conducted in 2015. The first was advocacy training with nine State Counsel in attendance, and the second was a national advocacy training course attended by five lawyers from the Private Bar and one State Counsel. This was a three-day training session, where theory and practical is taught to staff on the topic of advocacy.

## Regional Training

Name of Course	Division	Date	Venue
Pupils Advocacy Training	Suva	28-Sep-3 Oct - 2015	Judicial and High Court
National Advocacy Training Course	Suva	16-21 Nov-2015	Judicial and High Court

# Training & Professional Development

## ODPP International Training Calendar 2015

	Participant	Training/ Meeting
1.	Principal Legal Officer, Manager Serious Fraud Division, Ms Jayneeta Prasad	18 <sup>th</sup> Plenary APG Meeting, 11-18 July, 2015, New Zealand
2.	Director of Public Prosecutions, Mr Christopher Pryde	18 <sup>th</sup> Plenary APG Meeting, 11-18 July, 2015, New Zealand
3.	Principal Legal Officer, Ms Seini Puamau	33 <sup>rd</sup> Cambridge International Symposium, 6-13 September, 2015, Cambridge, United Kingdom
4.	Director of Public Prosecutions, Mr Christopher Pryde	33 <sup>rd</sup> Cambridge International Symposium, 6-13 September, 2015, Cambridge, United Kingdom
5.	Principal Legal Officer, Ms Seini Puamau	IAP 20 <sup>th</sup> Annual Conference & General Meeting, 13-17 September, 2015, Zurich, Switzerland
6.	Principal Legal Officer and Manager Eastern Division, Mr Yogesh Prasad	IAP 20 <sup>th</sup> Annual Conference & General Meeting, 13-17 September, 2015, Zurich, Switzerland
7.	Principal Legal Officer and Manager Child Protection Division, Ms Pauline Madanavosa	IAP 20 <sup>th</sup> Annual Conference & General Meeting, 13-17 September, 2015, Zurich, Switzerland
8.	Legal Officer, Ms Shelyn Kiran	PILON Litigation Skills Programme, 26 November - 3 December, 2015, Apia, Samoa
9.	Legal Officer, Ms Siteri Navia	PILON Litigation Skills Programme, 26 November - 3 December, 2015, Apia, Samoa
10.	Legal Officer, Ms Rukalesi Uce	PILON Litigation Skills Programme, 26 November - 3 December, 2015, Apia, Samoa
11.	Legal Officer, Mr Timoci Qalinauci	Post Graduate Studies in Corruption Studies, 3-26 November, 2015, Hong Kong
12.	Principal Legal Officer and Manager Serious Fraud Division, Ms Jayneeta Prasad	APG Assessor Training Workshop, 14-18 December, 2015, Delhi, India

# Year in Summary



*The National Trial Advocacy Training 2015 for Legal Officers and Members of the Private Bar.*



*The United States acknowledged the ODPP's assistance in the extradition of an accused person from Fiji to US.*



# Year in Summary



*ODPP Monthly training workshops are organised by each Division on a rotation basis.*



*ODPP participates in Public Outreach programmes - Careers Fair at International Secondary School, Suva and Public Service Commission Display Week.*

## Year in Summary



*Anti-money laundering meeting with the Attorney General Mr Aiyaz Sayed-Khaiyum, the Director of Public Prosecutions, Mr Christopher Pryde and other stakeholders.*



*The ODPP Annual Black Tie Christmas Dinner - The ODPP concludes its year with a black tie formal dinner for its staff to finish the year on a high note but more importantly to recognise the efforts of staff during the year .*

Comments and enquiries should be addressed to:  
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