



## OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS



## ANNUAL REPORT 2016

# Director's Foreword



Director of Public Prosecutions, Mr Christopher Pryde

The Office of the Director of Public Prosecutions (ODPP) has an ongoing commitment to the training of its legal and corporate staff. This training forms an important part of the career experience for legal officers and corporate staff. For several years now, legal officers have been meeting every Friday afternoon for a *talanoa* session known as POTS (Professional Officers Talanoa Session). With attendance compulsory, issues arising from weekly court battles are informally discussed over a cup of tea. Twice in 2016, the POTS welcomed outside speakers.

More formal training is conducted over a full day on the final Friday of each month in workshops organised and run by the respective heads of the three Divisions (Serious Fraud, Child Protection, and General Crimes) on a rotation basis. These workshops, which also include our colleagues from the Southern District Police Prosecution, consist of selected topics where officers receive lectures and prepare and argue legal points in moot court exercises. Throughout the year, a number of outside experts were invited to give talks, including judicial officers from Fiji's Magistrates' and High Court.

Advocacy training, using the Hampel Method was offered to ODPP legal officers on three oc-

casions throughout 2016 and the improvement in advocacy at the Bar table from officers who had completed the training was noted by the judiciary. We will continue this training in 2017 and also offer it to legal practitioners outside the ODPP as part of their continuing legal education.

The ODPP offers training to lawyers outside the office, and continues to provide full-day training sessions on the final Saturday of each month for police prosecutors and legal practitioners in Suva, Lautoka, and Labasa. The ODPP was pleased to offer a second Annual National Prosecution Course in 2016 to police prosecutors and those people in various Ministries and Government departments prosecuting regulatory offences.

Training and career development for all staff is a vital component of life in the ODPP and I am especially grateful to the members of the Corporate and Administrative Division for their work in ensuring the success of the ODPP training programme in 2016.

**Christopher T. Pryde**  
**Director of Public Prosecutions**

## 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

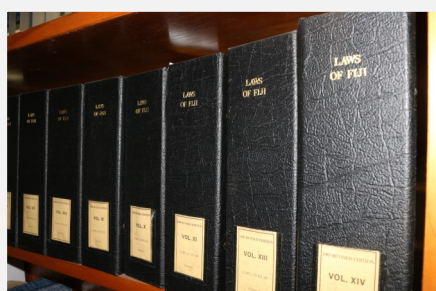
- Independence
- Fairness; and
- Courage

## 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.

## 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.*

**Section 117 empowers the DPP to:**

*(a) institute and conduct criminal proceedings;*

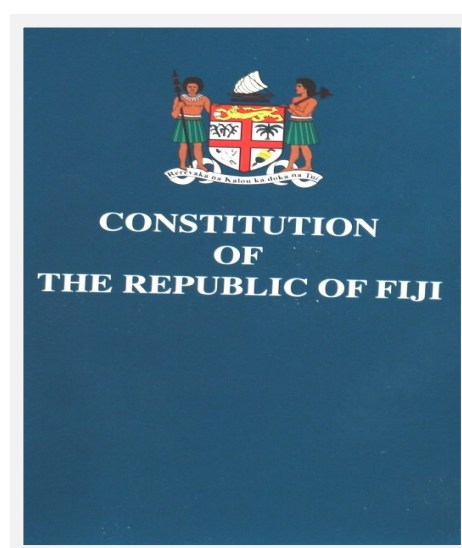
*(b) take over criminal proceedings that have been instituted by another person or authority (except proceedings instituted by the Fiji Independent Commission Against Corruption (FICAC));*

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

Under the Constitution, Parliament is 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 and the High Courts of Fiji. Cases of special difficulty or of public interest in the Magistrates' Courts are processed and, where necessary, 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 the ODPP's work involves the provision of written advice to the Commissioner of Police, the Director of the Criminal Investigation Department and to other governmental 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 that will replace the 2003 Prosecution Code, which was issued under Section 76 of the 2009 Criminal Procedure Code. The Prosecution Code is an important guidance tool for our prosecutors to aid them in their day-to-day decision making.

## 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 nine 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 General Crimes Divisions. All corporate sections are headquartered in the Central Division, with administrative and registry support officers assigned to regional offices around the country. 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, our role is to ensure that all

criminal cases in every part of Fiji are prosecuted in accordance with the law, applying sound prosecution principles, and in a timely manner.

There are five offices in the Western division; in Sigatoka, Nadi, Lautoka, Ba and Rakiraki. There are also two offices in the Northern Division; Labasa and Savusavu and one office in the Eastern Division. The Savusavu and Rakiraki offices opened in the beginning of 2016.



**ODPP Headquarters, Gunu House, Suva.**

# Serious Fraud Division

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

## 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 restraint and forfeiture of properties under the Proceeds of Crime Act (POCA). The SFD assists stakeholders in terms of anti-money laundering regimes. The members of the Division actively take part in the Anti-Money Laundering (AML) Council's Working Groups (Legal and Law Enforcement). Currently, Ms Prasad, as a representative of the DPP, is the chair of the AML Legal Working Group. Ms Khan and Ms Konrote are also active participants in the Legal and Law Enforcement Working Groups.

## Team

The SFD was staffed by a Principal Legal Of-

ficer and two legal officers in 2016. Ms Jayneeta Prasad continued as the Manager while Ms Mehzabeen Khan and Ms Moira Konrote carried on with their roles as the Division's legal officers.

## Training

The Division provides training to Police on money laundering and fraud. The members of the Division also enhance their skills in prosecuting fraud matters through in-house ODPP training along with overseas training sessions. The SFD assists in training other stakeholders on a number of topics, such as money laundering, proceeds of crime applications, unexplained wealth declarations, financial fraud, extradition and mutual legal assistance.



***The SFD Team; Legal Officer, Ms Mehzabeen Khan, Manager SFD Principal Legal Officer, Ms Jayneeta Prasad and Legal Officer, Ms Moira Konrote.***

# Serious Fraud Division

## Year in Review

In 2016, the Division dealt with a number of cases which involved cybercrime, money laundering, deception and theft. The victims of money laundering are predominantly large companies such as banks, corporations and, in a few instances, government departments. The monies that were the subject of money laundering were obtained by misusing computer systems, deception and stealing from employers. In a majority of the theft matters dealt by the Division, employees of the victims were themselves perpetrators of offences. A trial involving such an allegation lasting four weeks took place at the Suva High Court in the beginning of the year. The Division also prosecuted matters involving conspiracy to defraud.

As part of its core functions, the SFD also initiates actions that are designed to stop people benefitting from crime. Applications of this nature arise under the Proceeds of Crime Act (POCA). Under the POCA, the ODPP is authorised to apply for restraining orders in respect of 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 properties (including bank accounts and real property) can no longer be accessed or used by anyone. Under the POCA, the ODPP can also initiate forfeiture applications over tainted property.

Once a forfeiture order is granted over the tainted property, it becomes the property of the State. The SFD made an application to restrain and forfeit over \$1.2 million in property to the State. The properties were alleged to have been purchased through monies obtained through deception. The High Court granted a restraining order over the entire property, which means that whilst the restraining order remained in force, no transactions could take place in relation to the property. The forfeiture application is due to be heard in 2017.

The Division also continued to handle mutual legal assistance requests. In 2015, the High Court issued a temporary restraining order over property subject to a mutual legal assistance request from New Zealand. In 2016, the substantive hearing in the matter was conducted and the High Court ordered the property to be sold and the money indefinitely restrained. The property was alleged to have been purchased from proceeds of crime. The ODPP was also authorised by the Attorney General to commence extradition proceedings in 2016. The SFD handled the extradition application and filed the application for extradition in the Suva Magistrates' Court. The Court issued an arrest warrant for the fugitive who is currently in remand. The decision on whether he is to be extradited is expected in 2017.



# Serious Fraud Division

## Year in Review

- ***State v Josefa Saqanavere, Tuimoala Raogo and Savenaca Batibawa [2016] FJHC Crim. Case No 251 of 2013, 15 March, 2016.*** Two employees of the I-taukei Land Trust Board together with another man well known to them were convicted of laundering \$783,987.71 of trust money belonging to land-owners. The computer system of the TLTB had been compromised and the money was later laundered through five bank accounts. The three men were convicted after trial and sentenced to 13 years' imprisonment.

- ***Johnny Albert Stephens v State [2016] FJCA Crim. App. No. 53 of 2012, 27 May, 2016.*** Mr Stephens was convicted of two counts of money laundering in the High Court and sentenced to seven years' imprisonment. The case involved internet banking fraud where customers of a bank had been duped into revealing their internet banking passwords, which were later used to transfer money into Mr Stephens' account. Mr Stephens then sent some of the money to his associates in the United States. Mr Stephens appealed his conviction and a retrial was ordered. The Court of Appeal identified the mental element of money laundering as including wilfully turning a blind eye. This decision clarified the law on money laundering. Following a retrial, Mr Stephens was con-

victed and sentenced to three years' imprisonment after deducting the four years and eight months he had already served.

- ***State v Mukesh Purohit [2016] FJMC Crim. Case on 183 of 2016, 22 July, 2016.*** This case involved the defrauding of the Immigration Department. Mr Purohit, with an accomplice, obtained a false Fijian birth certificate in his name as he was an Indian National. Mr Purohit used this birth certificate to obtain a Fiji Passport. Immigration officials, however, were suspicious and the passport was not released to Mr Purohit. The matter was reported to the Police.

Mr Purohit pleaded guilty and was sentenced to three years and 11 months, which was later reduced on appeal to two years with a non-parole period of 16 months.

# General Crimes Division

The General Crimes Division (GCD) is the largest division in the Office of the Director of Public Prosecutions. Based on the ground floor of Gunu House, the GCD prosecutes a variety of cases from the Magistrate's Court to the High Court. Besides prosecution, the GCD engages in various appeals with the Court of Appeal and the Supreme Court.

## Core Functions

The GCD is responsible for the prosecution of offences against public order, international order, the administration of lawful authority, sexual offences, prostitution, abortion, offences against the person (including murder, manslaughter and infanticide), crimes against humanity, offences endangering life and health, criminal recklessness and negligence, offences against a person's liberty and traffic offences, to name a few.

The GCD is responsible for providing legal advice on general crime file dockets to the DPP, conducting criminal trials before the Magistrates' Courts and the High Court, and conducting appeals in the High Court, Court of Appeal and Supreme Court. The members of the Division are also actively involved in providing lectures in the National Prosecution Workshop, Police Prosecution Workshop and Medical Student's Workshop held at the Fiji National University Campus during the year.

## Team

The GCD was headed by Principal Legal Officer, Mr Sekonaia Vodokisolomone. He was assisted

by Acting Principal Legal Officer, Ms Juleen Fatiaki, Senior Legal Officer, Ms Darshani Kumar and Legal Officers, Ms Siteri Navia, Ms Wakesa Elo, Ms Sujata Lodhia, Ms Unaisi Tamanikaiyaroi, Ms Shirley Tivao, Mr Eoghn Samisoni, Ms Moumita Chowdhury and Ms Bhavna Kantharia.

The GCD was supervised by the Assistant Directors, Mr Mosese Korovou and Mr Lee J. Burney.

## Training

The Division assists in providing training to Police on offences other than fraud offences and child-sensitive matters. The members of the Division are also actively involved in upgrading their skills through in-house ODPP training along with overseas training. Mr. Sekonaia Vodokisolomone and Mrs Darshani Kumar attended the Economic Crime Symposium held at Cambridge, United Kingdom from 4-12 September, 2016.



***The GCD is supervised by Assistant DPPs (L-R) Mr Mosese Korovou and Mr Lee Burney.***

# General Crimes Division

## Year in Review

The General Crimes Division dealt with a variety of cases in 2016. Some highlights and noteworthy cases were:

- ***Nacagilevu v State [2016] FJSC 19; CAV 23 of 2015 (22 June, 2016).*** The accused was charged along with four others for one count of Murder contrary to section 199 and section 200 of the Penal Code (Cap.17) and four counts of Robbery with violence contrary to section 293 (1) (a) of the repealed Penal Code (Cap.17). The accused was found guilty after the trial, and was convicted and sentenced to life imprisonment for the charge of murder with a minimum term of 14 years' imprisonment to be served by the accused before being eligible for parole, and 15 years' imprisonment was handed down for the counts of Robbery with Violence. The accused appealed the decision of the High Court to the Court of Appeal and later to the Supreme Court. The appeal was allowed to some extent and the charge of murder was substituted with that of manslaughter. An important issue to note from the Supreme Court decision is that section 133(5) of the Criminal Procedure Decree 2009 can be invoked to summon an expert as a witness to comment on a post-mortem report prepared by a different pathologist, having produced it in evidence provided that the post-mortem report prepared after a post-mortem examination conducted by a pathologist falls within the

scope of section 4 of the Evidence Act Cap. 41. The State relied upon the Court of Appeal decision in ***Devendra Singh v State (1999) 45 FLR 96 ( 14 May, 1999)***, which was a prevailing authority for the proposition that the hospital was a place of business and a post-mortem report prepared by a pathologist employed by the hospital for a post-mortem conducted at a hospital was a business record. It is also important to note that in Suresh Chandra Crim. Petition No. CAV 21 of 2015 in its majority decision has taken a different view with regard to evidence on the contents of a post-mortem report given by a replacement pathologist and held that the contents of the report was inadmissible hearsay under section 4 of the Evidence Act Cap.41. However, it was important to mention that the Supreme Court decision in Suresh Chandra case (supra) did not expressly overrule the Devendra Singh decision. The Court finally held in this case that the evidence of the post-mortem report is admissible under section 133 (5) of the Criminal procedure Decree 2009 after excluding the evidence of the pathologist called as a witness, expressing her opinion as to the cause of death of the deceased as it is inadmissible hearsay. The Supreme Court also notes that it is important that the learned trial judge has a legal duty to give proper directions to the assessors on evidence from the pathologist.

# General Crimes Division

## Year in Review

• ***Eparama Niume and Joveci Naika [2015] FJCA 132; AAU0106.2011 (2 October, 2015); [2016] FJSC 27; CAV0026 and CAV0030.2015 (4 August, 2016).*** Both appellants were convicted and sentenced to mandatory life imprisonment for two counts of murder. In the Court of Appeal, the legal principle of “joint enterprise” was discussed in relation to the correct test to apply in Fiji for secondary liability.

It was held that since Fiji’s statutory provision for joint enterprise, i.e. at the time of the offence, section 22 of the Penal Code Cap 17 (now superseded by section 46 of the Crimes Act 2009) closely resembled that of our New Zealand counterparts (discussed in *Edmonds v R*), and Fiji was to strictly follow the statutory provision and reject the “fundamentally different test” applied in England. Section 46 only recognises one relevant level of risk, which was the probability of the offence in issue being committed. It was important to note that Fiji now follows the New Zealand approach in terms of the test for “secondary liability”. The New Zealand Supreme Court in *Edmonds v R* unreported SC 57/2011; 20 December, 2011 carried out a comparative analysis of approach taken in New Zealand and other common law jurisdictions to the issue of secondary liability for murder. The secondary liability for pursuant to section 66(2) of the Crimes Act 1961 (NZ) corresponds closely to section 22 of the Penal

Code Cap.17. In *Vasutoga & Anr. v. The State* CAV001/2013 (29 January, 2016), the Supreme Court of Fiji stated:

*“We are persuaded to follow New Zealand’s approach to secondary liability for murder because Section 66(2) of the Crimes Act 1961 (NZ) corresponds closely with Section 22 of the Penal Code Cap. 17.”*

Justice Goundar went on to say in the present case that the trial Judge’s directions on secondary liability for murder under section 22 of the Penal Code, Cap17 were impeccable. After the assessors expressed their unanimous opinion that the second appellant was guilty of two counts of murder, the trial judge agreed with the assessors’ opinions. On appeal, the Supreme Court concurred with the Judgment of the Court of Appeal.

• ***State v Sandeep Narayan Dass [2016] FJHC (HAC 271 of 2014).*** The accused was convicted and sentenced to 12 years’ imprisonment with a non-parole period of 9 years for 1 count of digital rape, sexual assault and assault causing bodily harm of his eight-year-old step-daughter. In relation to the count of sexual assault, the Court considered whether the act of the accused masturbating and ejaculating onto the child’s genitalia could be considered as an assault.



# General Crimes Division

## Year in Review

In this case, the definition of 'Assault' has been extended to include the definition provided by the Black's law dictionary. The Court held that under Black's law dictionary (6<sup>th</sup> Edition) the following definition to the word 'Assault' was provided;

*"Any wilful attempt or threat to inflict injury upon the person of another, when coupled with an apparent present ability so to do, and any intentional display of force such as would give the victim reason to fear or expect immediate bodily harm, constitutes an assault. An assault may be committed without actually touching, or striking, or doing bodily harm, to the person of another."*

Further, the word 'injury' is defined in the same dictionary as follows;

*"Any wrong or damage done to another, either in his person, rights, reputation, or property. The invasion of any legally protected interest of another."*

Considering these two definitions, forcefully and intentionally entering the bathroom when the complainant was naked and having a shower, and then taking off his clothes in front of her is an intentional display of force, which would cause fear in the mind of the complainant. She was subjected to a further assault by the accused ejaculating onto her body. Therefore, the Court was satisfied that the elements of the offence of sexual assault as charges on the second count were proved beyond reasonable doubt.

• *State v Vakadrano - Sentence [2016] FJHC 895; HAC057.2015 (5 October, 2016).* The accused was the founder and leader of the Back to Eden Church Ministry. The accused was charged with four representative counts of rape. It was alleged that he committed the above offences at Labasa and Tailevu. He pleaded not guilty to all four counts and the matter proceeded to trial. During the trial, the victims stated that they consented to the accused inserting his penis into their vagina because he had told them that it ought to be done as he was preparing them for the outside world where they would be sent as missionaries to other parts of the world to spread the word of God. Given the definition of consent in Section 206 (1) and (2) of the Crimes Act 2009, the State's case was that the accused used his authority as leader of the church and made false representations to the victims about the nature of the act in order to obtain their consent. Consenting was not voluntarily and given freely by the victims. At the end of trial, the assessors found him guilty of all the charges, the judge agreed with the assessors and accordingly convicted the accused. Subsequently, the accused was sentenced to 14 years and two months with a non-parole period of 12 years and two months. This was one of the most publicised cases in 2016.

# Child Protection Division

In February 2016, the Child Protection Division moved into a newly acquired office space located at level 3, Dolphins Plaza, Suva. The office provides a suitable environment for meeting vulnerable witnesses and children. These new facilities effectively represent the vision of the DPP outlined in the ODPP Child Protection Guidelines.

## Core Functions

The Child Protection Division (CPD) is designated to handle prosecutions that are sexual in nature and involve child victims and witnesses.

The establishment of the CPD as a unit in 2009 marked an important strategic direction for the ODPP in terms of developing a high quality victim support service for child victims, witnesses and their families.

The Unit was established by the ODPP Child Protection 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 in respect of a decision on 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 jus-

tice system. The Guidelines ensure that all matters where a child is a victim or a major witness are referred by the Police to the ODPP. This includes referrals from the Police during the investigation stage for consultation and advice. This is facilitated through the Police Liaison Officer based at the ODPP.

## Training

Ms Kimberly Semisi and Ms Swastika Sharma represented the ODPP, following an invitation by Ministry of Health where they gave a presentation to medical practitioners on “*Expert Witness: What to Expect in Court*”.

## Team

The Child Protection Division was headed by Acting Principal Legal Officer, Mr Meli Vosawale. Mr Vosawale was assisted by four Legal Officers, Ms Kimberly Semisi, Ms Lavenia Bogitini, Ms Swastika Sharma, and Mr Simone Seruvatu.

# Child Protection Division

## Year in Review

A large number of successful prosecutions were recorded by the Division in the Magistrates Court, High Court and appeals in the appellate Courts in 2016. Some of the noteworthy cases were:

- ***State v Mosese Natuwawa Saukitakali.*** A step-father raped, indecently and sexually assaulted his nine-year-old step-daughter on numerous occasions between 2004 and 2012, eventually impregnating her. After years of sexual violence, the victim made the complaint to the police in 2012. the accused was convicted after trial and sentenced to 13 years' imprisonment by the High Court.

- ***State v Meni Raitekiteki HAC 285 of 2015.*** A 74-year-old woman was robbed and brutally raped by the accused. The accused was convicted and sentenced to 17 years. Before the trial, the prosecutors applied by virtue of section 295 and 296 of the Criminal Procedure Act 2009 to the Judge for measures to assist the victim to give evidence in Court. The Judge ordered that the identity of the complainant be suppressed, that trial take place in closed court and a screen used to shield the complainant from seeing the defendant whilst giving evidence.



***The CPD team (L-R) Legal Officers, Mr Simione Seruvatu, Ms Kimberly Semisi, Ms Swastika Sharma, Ms Lavenia Bogitini and CPD Manager, Principal Legal Officer, Mr Meli Vosawale.***

# Northern Divisional Office

The 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 Labasa office has one Principal Legal Officer, Mr Lisiata Fotofili and one Legal Officer, Ms Amelia Vavadakua, 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. The ODPP Savusavu began its first year of operation in 2016, having been established in late 2015. The ODPP Savusavu office has a Legal Officer, Ms Wakesa Elo and Litigation Officer, Ms Reshmi Peters, as well as Driver, Mr Dhirend Chand. The Savusavu office is largely responsible for prosecutions at Savusavu and Taveuni Magistrates' Courts.

## Training

In July 2016, the Fiji Medical Association held their conference at Labasa with medical practitioners from around the country in attendance. The ODPP was privileged to have been invited to attend and speak. This rare opportunity was

not missed and information was readily exchanged amongst participants; for example, information about legible medical reports, the omission of medical jargons and why it is difficult to predict whether a witness will give evidence. ODPP also gave talks and presented for police investigators.

Training for police prosecutors and prosecutors from other agencies, such as the Town Council, Commerce Commission continued in 2016. Training provided by the ODPP was organised to take place on one Saturday in every month.



*Northern Divisional Manager, Principal Legal Officer, Mr Lisiata Fotofili during one of the ODPP monthly training sessions.*



# Northern Divisional Office

## Year in Review

Trials in the High Court at Labasa in 2016 were predominantly cases of a sexual nature, in particular, rape. Two cases of murder were tried with successful convictions. Some noteworthy cases were:

- ***State v Besun Deo & Shareen Wati Raj HAC 04 of 2015***. The two accused, Besun Deo and Shareen Wati Raj were convicted and sentenced to mandatory sentences of life imprisonment by the Labasa High Court in 2016. The deceased was the estranged husband of the second accused in this case who, after leaving her husband, had entered into a relationship with the first accused. Divorce proceedings between the deceased and the second accused were being contested over matrimonial property and custody of their child.

The protracted nature of the proceedings seemed to irk the wife's new partner and they decided to 'settle' the matter once and for all. On 15 January, 2015, the two accused went to Tabicola Tiri on the outskirts of Labasa where the victim lived. The victim was punched by the first accused and hit with stones by the second accused, which resulted in the victim falling to the ground. The second accused instructed the first accused to strangle the victim who became semi-conscious. Both accused then grabbed the victim and threw him in a swamp filled with water. The victim died of asphyxiation. The Judge gave both the accused a minimum term of 20 years to be served before a pardon may be considered.

- ***State v Siuta Seru & Asaeli Raboleca HAC 32 of 2015***. The two accused, Siuta Seru and Asaeli Raboleca were convicted and sentenced by the Labasa High Court. The two were jointly charged with aggravated robbery while the first accused, Siuta Seru, was charged with one count of murder and one count of attempted arson. On 19 August, the first accused drank grog and rum until the morning.

A plan had been agreed between both accused to go to an elderly person's home. Both set off to the village of Naqilimoto armed with cane knives and wearing masks. They entered the elderly man's house, grabbed him and demanded money. The first accused ransacked the house and found a wallet with \$250 cash.

At this stage, a third man approached the house and called the victim's name; however, he was chased by the second accused by brandishing his knife. The first accused then struck a blow to the victim's neck with his cane knife. He then poured benzene inside the house with an attempt to burn it. The house did not burn but the victim died due to severe loss of blood. The first accused was sentenced to life imprisonment with a minimum term of 19 years to be served before pardon may be considered, while the second accused was sentenced to 12 years' imprisonment with a non-parole period of nine years after the Court found that he did not play any role in the murder of the victim but was part of the aggravated robbery offence.

# Eastern Divisional Office

The Nausori ODPP prosecutes offences throughout the Eastern Division, which primarily includes the provinces of Tailevu, Lomaiviti, Rewa and Naitasiri.

## Core Functions

The ODPP Nausori serves the Magistrates' Courts at Nausori, Korovou, Tailevu, Vunidawa and Levuka Court. State Counsel based at Nausori also prosecute indictable offences from the Eastern Division jurisdictions before the High Court and deal with the appeal matters in the Court of Appeal and the Supreme Court. This office's core function is to prosecute general crimes, including murder, sexual offences, property offences and fraud.

## Team

The Eastern Division ODPP was headed by Principal Legal Officer, Mr Yogesh Prasad and supported by two Divisional State Counsels, Ms Susan Serukai and Mr Taitusi Tuenuku. The office was administered by Ms Veena Prasad.

## Training

The Eastern Division team of ODPP actively participates in training Summary Prosecutors within the Division. The Division also provides regular monthly training for Police Summary Prosecutors from the Central, Southern and Eastern Divisions.



*Manager Eastern Division, Principal Legal Officer,  
Mr Yogesh Prasad.*

# Eastern Divisional Office

## Year in Review

In 2016, the ODPP Nausori office prosecuted a number of murder trials in the High Court of Fiji. Notable cases were:

- ***State v Livai Kaiviti Ratabua HAC 060 of 2013.*** For the first time, murder was proven under the reckless limb. The incident happened on January 7, 2013 at Navutu, Lautoka when the accused was just 18 years old. There were three elements that led to the death of Maciu Bakani in 2013, namely the punches he received, his falling on the gravel ground and the stomps and kicks he received from the accused. The actions of the accused resulted in dislocation to the atlantoaxial joint and caused compression of the medulla oblongata, which led to the victim's death.

The accused was sentenced to life imprisonment with a minimum term of 15 years to be served before a pardon may be considered by the President.

- ***State v Waisake Kaloulia and Kaminieli Naqaleca HAC 64 of 2015.*** The ODPP Nausori office prosecuted two men for possessing the largest amount of marijuana ever found in Fiji. The two men were found guilty by the Suva High Court for unlawfully cultivating 484 plants of

cannabis sativa, weighing 160.6 kilograms in Wanibuka, Tailevu in 2015. This was the largest amount of cannabis ever seized in Fiji. Both accused were found guilty after the trial and were sentenced to 19 years' imprisonment with a non-parole period of 15 years.

In 2016, the ODPP Nausori office dealt with an alarming influx of rape cases, involving child victims and Ms Serukai successfully prosecuted a number of such cases.

# 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.

## Team

The Western Divisional Office was made up of the following staff:

## 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 a wide range of subjects within the Criminal law. The workshops were conducted by legal officers from the Western Division.

### 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 Ms Fulora Vakawaci
- Driver/ Messenger Mr Satish Sharma

### Nadi Office

- Acting Legal Officer Mr Alvin Singh
- Legal Officer Mr Shivendra Nath
- 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

### Rakiraki Office

- Senior Legal Officer Mr Josaia Niudamu
- Typist Ms Resina Nenewa
- Clerical Officer/ Driver Mr Josefa Tosokiwai



# Western Divisional Office

## Year in Review

The year started with the sentencing of two accused persons charged with one count of Unlawful Possession of Illicit Drugs contrary to section 5 (a) of the Illicit Drugs Control Act, 2004. Some noteworthy cases of 2016 were:

- ***State v Joseph Nayef Abourizk and Josese Muriwaqa (HAC 126 of 2015)***. The trial took place in April 2016. At the end of the trial, five assessors gave their opinion that both accused were not guilty. The learned Judge disagreed with the opinions of the assessors and found both accused guilty and accordingly convicted them. Both men were sentenced to 14 years' imprisonment with a non-parole period of 12 years. The important aspect of this case was that the purity level of the drugs was considered by the Court when sentencing the accused, setting the trend that prosecution of such

crimes must consider the purity levels, which will have an impact on the starting point of the sentence.

- ***Edward Sharma v The State (AAU0074 OF 2012)***. The Court of Appeal examined the issue of whether an accused had a right to challenge or rebut the contents of a Victim Impact Report. The Judgment emphasised that it is important for the prosecution to file the report in a timely manner, which would allow the accused or his counsel to go through the report and consider whether they need to challenge or rebut the contents of the report. The case was further appealed in the Supreme Court where the Supreme Court decided the accused must be given an opportunity to challenge or rebut the contents of the Victim Impact Report.



***The Director of Public Prosecutions, Mr Christopher Pryde with Western Division Legal Officers.***

# Corporate Services Division

The Corporate Services Division is responsible for the implementation, monitoring and evaluation of ODPP policies and governance frameworks. Over the past year, the Division focused on improvements aimed at increasing efficiency and accountability, improving services to criminal justice and streamlining administration work.

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

The Corporate Services Division also has the responsibility of ensuring that all policies relating to ODPP staff are based on the principles enshrined in the 2013 Fijian Constitution, including principles of accountability, transparency, integrity, team work, efficiency and leadership. The Division is also responsible for organising training programmes and any specific projects and duties assigned by the DPP from time to time.

The focus for 2016 was on improving efficiency and effectiveness of service and support service delivery.

***The ODPP's legal practice is supported by the Corporate Services Division, including:***

- *Human Resources;*
- *Finance department;*
- *Administrative department;*
- *Library;*

- *Information Technology (IT) ;*
- *Registry; and*
- *Media.*

## Human Resources Management

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

## Core Function

The values of the ODPP Human Resources Department are those of integrity, excellence and wellness. The core functions of the Human Resource Department are:

- *equal employment opportunities;*
- *workplace diversity;*
- *organisational effectiveness;*
- *employee wellbeing;*
- *employment and compensation;*
- *performance management;*
- *work environment free from harassment, bullying and discrimination; and*
- *employee relations and communication.*

# Corporate Services Division

## Finance Department

The ODPP has a centralised finance team based at the headquarters in Suva. The section is responsible for the management of the office funds and operating expenditure. The functions of the Finance Department include planning, organising and accounting for and controlling the office finances. Their responsibilities are accounts payable, payroll, revenue management, budget, record keeping, financial reporting and internal controls.

## Team

The Corporate Services Division in 2016 was headed by the Manager Human Resources, and Principal Administrative Officer, Ms. Charlotte Nambiar.

The Corporate Services Division is responsible for the entire administrative and financial functions of the ODPP, Fiji wide. The ODPP comprised 93 staff of which 46 were professionals and 47 were corporate staff in 2016.



***Manager Human Resources and Principal Administration Officer, Ms Charlotte Nambiar.***

# Corporate Services Division

## Budget Classification

### Spending

Major spending for the year consisted of the following:

personal emoluments;

wages – due to an increase in overtime for un-established staff (stand-by duties, early morning pickups of witnesses and office staff);

travel and communications – wifi, subsistence, travel, telephone, and Vodafone;

office stationery and printing;

purchase of toners and IT equipment;

incidentals – tea and biscuit items, bottled water;

training – local and overseas; and

payment of monthly utility bills.

### Savings

The ODPP saw major savings from SEG 1 and SEG 4. This was due to the following:

existing vacant positions; and

vehicle repair and maintenance – due to less repair and maintenance of vehicles.

cepted by vendors because the government has encouraged its use. However, cheques are issued in exceptional cases to avoid disruption of service.

*For the Summary of Expenditure, See Appendix I, II and III*

## Electronic Fund Transfer (EFT) v Cheques

Most of the payments made during the year were via EFT. EFT has increasingly been ac-

# 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 Office of the Director of Public Prosecutions but the resources can 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 ODPP Library is allocated its own budget, which is used to pay subscriptions for legal texts from overseas publishers and for the purchase of local statutes.

Mr Ziad Hussien is the ODPP Librarian.

## Acquisition

The ODPP Library currently holds Local Acts, Bills, Decrees, Supplements, the 2016 Revised Laws of Fiji, Ordinances and Supplements from 1970. It also has copies of the Halsbury's Statutes of England (3<sup>rd</sup> Edition) and the Halsbury's Laws of England (4<sup>th</sup> Edition) in its collection.

In addition to this, the ODPP Library holds local precedents from the High Court of Fiji (Suva, Lautoka and Labasa), the Court of Appeal and Supreme Court of Fiji (Bound Volumes) from 1977 to date.

The ODPP Library keeps a collection of law reports from other countries. These Reports include:

- *England law reports;*
- *Australian criminal reports;*
- *Australian law reports;*
- *Australian law journals;*
- *Appeal case reports;*
- *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 borrows and lends legal textbooks and reports to the High Court Library and the Attorney-General's Library on an inter-library loan basis.

## Law Library Payments

The ODPP Library has purchased several law text books, law reports and paid for subscriptions during 2016.

## Revised Laws of Fiji

The ODPP Library has received a complete set of 2016 Revised Laws of Fiji, which consists of 20 volumes.



# ODPP Library

## 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. The purchase was the first step in creating an electronic library. The Librarian is responsible for daily updates and uploading information. In addition, all 2013, 2014, 2015, and 2016 judgments (the Magistrates' Court, the High Court, the Court of Appeal and the Supreme Court judgments) have been entered and softcopies of these judgments have been uploaded into this system.

## Library Requests

Apart from acquiring and updating Library resources, the Librarian also ensures that requests for case laws (local and overseas), photocopying, and the preparation of disclosures for filing are provided to professional staff.

## Collection Development

The Librarian carries out the following tasks for the development of the ODPP Library's collections:

- *accessioning and cataloguing of law text books;*
  - *sorting, indexing and binding of local Government gazettes, supplements, Bills, Acts and all local judgments; and*
  - *general maintenance of library law texts and reference materials, including discarding of outdated publications, repairing text books, compiling the office system with recent case judgments and organisation of library materials.*
- 
- *evaluating and selecting new law textbooks, law reports and journals;*
  - *monitoring of new information sources, such as those on the internet;*



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

# ODPP Library

## Law text books

QTY	TITLE	ISBN
1	Jones on Extradition and Mutual Assistance – 4 <sup>th</sup> Edition/ Alun Jones	9780414045378
1	Asset Forfeiture: Analysis of Federal Programs/ Eetu Korhonen	978-1628082241
1	Investigation and Prosecution of Financial Crime – International Readings/ Hugh McDermott	9780455233628
1	Expert Witness in Child Abuse Cases: What can and should be said in Court/ Stephen J. Ceci	978-1557989154
9	Blackstone's Criminal Practice 2016 (with its supplement and e-book)/ Daniel Jones	9780198757061
1	Criminal Appeals Handbook	9781780434636
1	Ethics and Criminal Justice/ John Kleinig	9780521682831
1	Concise Guide to Paralegal Ethics - 3rd Edition/ Therese A. Cannon	9780735578678
1	Ethical Lawyering: Legal and Professional Responsibilities in the Practice of Law - 3 <sup>rd</sup> Edition/ Paul T Hayden	9780314911544
1	Glaville Williams: Textbook of Criminal Law – 4 <sup>th</sup> Edition/ Dennis Baker	9780414037342
3	Archbold: Criminal Pleading, Evidence and Practice 2016 (with all its supplement)	9780414054387
3	May on Criminal Evidence – 6 <sup>th</sup> Edition/ Richard May and Steven Powles	9780414046146
1	Millington and Sutherland Williams on The Proceeds of Crime/ Mark Sutherland Williams – 5 <sup>th</sup> Edition	9780198758150
1	The Right to Say No: Marital rape and law reform in Canada, Kenya, Ghana and Malawi/ Elizabeth Archampong	9781782258605
1	The Limits of Asset Confiscation: On the Legitimacy of Extended Appropriation of Criminal Proceeds/ Johan Boucht	9781509907076
1	Landmark Cases in Criminal Law/ Philip Handler	9781849466899
1	Unchecked Corporate Power: Why the Crimes of Multinational Corporations are Routinized Away and What We Can Do About It/ Gregg Barak	9781138951440
1	Thomas' Sentencing Referencer 2017/ Lyndon Harris	9780414060821
1	Money Laundering in Real Estate Sector: Suspicious Properties/ Brigitte Unger	9781849801263
3	Children's Views and Evidence/ David Brown	9781526503176
1	Memory and Miscarriages of Justice/ Mark Howe	9781138805606
1	Core Text Evidence/ Roderick Munday – 9 <sup>th</sup> Edition	9780198788720
1	Character in Criminal Trial/ Mike Redmayne	9780199228898
3	Fraud: A Practitioner's Handbook: Adrian Eissa	9781780431376
1	Appraising Strict Liability/ Andrew Simester	9780199278510
9	Archbold Criminal Pleading, Evidence and Practice - 2018	
4	Blackstone's Criminal Practice - 2018	
	Criminal Appeal Report: bound volumes – 2010, 2011 and 2012 – complete set	
1	Law professors: three centuries of shaping American Law	
2	Redeeming Moti/ Dr Susan Merrel	

# ODPP Library

The following titles were received during this financial year. However, payments for these titles were made in the previous financial year.

QTY	Title	ISBN
1	Bar Manual: Criminal Litigation and Sentencing – 28 <sup>th</sup> Edition	9780198766018
1	Criminalising Contagion: Legal and ethical challenges of disease transmission and the criminal law	9781107091825
1	Sexual Offences Handbook: Law, Practice and Procedure – 2 <sup>nd</sup> Edition	9780854901227
1	Wilkinson's Road Traffic Offences – 27 <sup>th</sup> Edition	9780414051119
1	Sedition and the Advocacy of Violence: free speech and counter-terrorism	9780415859769
1	Tax Procedure and Tax Fraud in a Nutshell – 5 <sup>th</sup> Edition	9781634599320
1	Transnational Corruption and Corporations: regulating bribery through corporate liability	9781409455202
1	Drugs Law and Legal Practice in Southeast Asia: Indonesia, Singapore and Vietnam	9781782258315
1	Child Pornography: Law and Policy	9780415499873
1	Internet Child Pornography and the Law: national and international responses	9780754622970
1	Misuse of drugs and drug trafficking offence – 6 <sup>th</sup> Edition	9780414045170
	Criminal Appeal Report: bound volumes – 2007, 2008 and 2009 – complete set	

Other books were also purchased as part of the 2015 wish list. These titles are:

- ***nine copies of Blackstone's Criminal Practice 2016 were purchased. A copy each was distributed to all our nine stations;***
- ***three copies of May on Criminal Evidence and Archbold 2016 were purchased. One copy each has been kept at the Suva, Lautoka and Labasa Offices. The rest of these text books are available at ODPP Suva Library;***
- ***one copy of Law in Context: Sentencing and Criminal Justice/ Andrew Ashworth – 6<sup>th</sup> Edition;***
- ***one copy of Taylor on Criminal Appeals (Hardcover)/ Paul Taylor – 2<sup>nd</sup> Edition; and***

- ***one copy of Introduction to Legal Ethics/ by Arthur Cockfield.***

The library had received the following supplements, which were purchased as part of the 2015 wish list:

- ***three copies each of Archbold 2016 – Supplements 2 and 3; and***
- ***nine copies each for Blackstone's 2016 – Supplement 2 and 3.***

The following two books were purchased in December 2016:

- ***Hate Crime (Crime and Society Series) by Nathan Hall (ISBN 9780415540278)***
- ***Public Order: Law and Practice by John Beggs (ISBN 9780199227976)***

# ODPP Library

## Annotated Laws

During this financial year, library received the following annotated laws. Payments for these were made during the previous financial year.

- *Court of Appeal Act - 14 copies*
- *Supreme Court Act - 14 copies*
- *Land Transport Act - 4 copies*

Land Transport Act: a copy of each went to Lautoka and Labasa offices and two copies were

kept at the ODPP Library in Suva.

## Library Subscriptions

The ODPP continues its renewal for overseas law journals and magazines.

Tabulated below is the summary of subscription made for law journals and law reports for 2016.

Date	Payee	Particulars	Amount
30/08/2016	LexisNexis	Australian Criminal Trial Direction – Issue No. 67	NZD \$ 767.14
14/09/2016	The Economist	Subscription for “The Economist” – print-only copies	USD \$ 288.00
30/12/2016	NZ Law Society	NZ Law Talk Magazine	NZD 154.00
12/01/2017	Lexis Nexis NZ, Ltd	NZ Law Journal	NZD \$580.00

# ODPP Registry

The ODPP Registry deals with the daily operation of the organisation. The ODPP registry has an efficient and effective system in place that enables it to deliver its services to Courts and the general public in an expected manner. This system involves the use of software known as CASES, which provides a cause list for legal officers, is an effective filing system, and keeps a record file movements and correspondence.

Each divisional and district registry has an officer assigned who is responsible for the smooth running of the registry.

The basic function of the registry involves:

- *receiving police dockets, notices from Court, correspondence, entering details into CASES software and then opening a physical file;*
- *updating CASES upon receiving next dates and submissions from defence;*

- *preparing daily causelists;*
- *preparing and filing documents in Court and serving them to respective law firms;*
- *following up with police stations;*
- *keeping proper record of closed files and files sent to archives for safe keeping;*
- *keeping a record of exhibits and movement of station diaries, meal books and cell books used in trials; and*
- *transferring files to and from other ODPP district offices.*

## Team

The ODPP Suva Registry was headed by Ms Kiran Singh who was assisted by four experienced staff members.



***Ms Kiran Singh manages the ODPP Registry.***



# ODPP Registry

In 2016, the ODPP Registry in Suva started keeping a separate record of all police dockets received from Police as a backup to CASES. This enables the registry to check for a docket even if the network is down.

The Registry keeps track of a file by updating CASES. Documents received for each matter are scanned and attached to CASES before being dispatched to the legal officer who has been allocated the file. No document is given to an officer without proper entry being made in CASES.

The Registry has an exhibit register. All exhibits going from the Police are properly documented in the exhibit register. Apart from the description, each exhibit is photographed and the pictures are pasted in the exhibit register for future reference.

In order to ensure that legal officers file and serve documents on time, the ODPP Registry does a court run at allocated times throughout the day.

The Suva Registry did a file audit in December 2016. The next audit will be in December 2017. A file audit helps keep a proper track of files. The Registry is also responsible for the safe retention of old files. In 2016, the Suva Registry sent 2002-2006 files to the National Archives of Fiji.

The Registry has also reorganised the file storing systems exhibit and warrant register books and the annual file census management system. This has 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 proper 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 Occupational Health and Safety (OHS) regulations are complied with.

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

The Registry Team has been trained to ensure those 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 member of registry staff has undertaken continuous training, and there have been continuous consultations between legal and registry staff to ensure that every member of staff is familiar with any change to procedures.

# ODPP IT

The ODPP Information Technology (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 the ODPP's stated objectives.

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

Mr Latanoa Bulivou continued to manage the

Section in 2016 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, a software system that allows State Counsel to work on and view all information relating to prosecution matters through a single interface.



*Mr Latanoa Bulivou continued to manage the IT Section in 2016 as the Acting Senior Systems Analyst.*

# ODPP IT

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

## Photocopiers and Printers

The ODPP purchased three photocopiers; one was deployed to **ODPP Lautoka**, the others to **ODPP Labasa** and **ODPP SFD**. The two photocopiers sent to ODPP Lautoka and ODPP Labasa were the **Konica Minolta Bizhub 554e**, which is a 55-pages-per-minute photocopier. The cost of each machine was **\$11,880** each. The photocopier issued to ODPP SFD was a **TOSHIBA e-Studio 857**, which can copy 85 pages per minute. The cost was **\$29,000**.

It was necessary to replace the existing machines as they had been in continuous use for five years. Maintenance and service costs began to increase as parts deteriorated and the machines became unreliable.

## Laptops and Desktops

The ODPP purchased 31 laptops and 1 i7 desktop. The i7 desktop was issued to PAO and the laptops were deployed to all users. The cost of each laptop was **\$1,699.00** and the i7 laptop was **\$2,180.00**.

## Wireless Keyboards and Mice

All the ODPP Officers are now using laptops where the wear and tear of frequent use of the keypads and inbuilt touchpads cause deterioration. As a preventive measure and to preserve the lifespan of the laptop, the use of an external USB keyboards and a mice is recommended.

## Shredding Machines

A shredding machine was purchased to dispose of confidential material and documents. Eight machines were dispatched; one each to ODPP Admin, ODPP Registry, ODPP IT-Section, ODPP Lautoka, ODPP Labasa, ODPP CPD, ODPP Nadi, and ODPP Rakiraki. The cost of each shredder machine was **\$4,687.00**.

## Routers and Access Points

The ODPP purchased 13 routers and 9 access points. These were installed and configured to all the ODPP offices Fiji wide. The mentioned routers were used for all the ODPP offices Fiji wide to connect all desktops and laptops via Wi-Fi, using the Govnet network to minimise the use of cables in the office. To connect to other ISPs on a dedicated line, the ODPP subscribed with Digicel Fiji. The cost for one router was **\$428.99** and each access point was **\$445.00** each.

## Lectrum and Microphone System

A professional Lectrum with sound system was purchased from Dragon Music Ltd at a price of **\$12,400**.

## Toner Cartridges

The ODPP purchases numerous toner cartridges each quarter. The brands are HP, Kyocera, Dell, Brother, Lanier and Konica Minolta. There are multiple users using the same toners and cartridges. The ODPP purchases in bulk for cost and efficiency reasons.

# 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. This is 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 (MLO), the ODPP assists the public and media organisations in their reporting of court proceedings by providing media updates and press statements.

A new Media Liaison Officer was appointed in the beginning of the year. Ms Farisha Ahmed was appointed as the new Media Liaison Officer, replacing Ms Parijata Gurdayal who resigned in December 2015.

## Media Relations

The ODPP has developed an amiable yet professional relationship with the media and continues to assist the media to accurately report events that occur within Fiji's criminal justice system.

During 2016, the MLO continued to assist media organisations by providing information concerning any matter it prosecuted before the Courts. However, the type and nature of information released was 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.

## Core Functions

- *Developing the ODPP Media Policy.*
- *Providing a quality information service.*
- *Writing and editing media releases, in-house newsletters, brochures, other publications.*
- *Contributing to the development and the design of annual reports.*
- *Accurate reporting of the progress on cases.*
- *Responding to queries from individuals, journalists and other organisations.*
- *Maintaining and updating the ODPP website.*
- *Analysing media reports and collating articles of interest to the office for follow-up action.*



***ODPP Media Liaison Officer, Ms Farisha Ahmed.***

# ODPP Media

## ODPP Media Update

In 2016, there were 102 media updates issued to media organisations upon request and, when necessary, on issues of popular public interest. The media updates were not only released to local media but overseas media as well. Media organisations were encouraged to seek clarification on matters even when reporters were present in court to report on proceedings.

There were 44 requests, seeking clarification on charges and sentencing details from the local media organisations, while 7 requests came from overseas media organisations.

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 files were 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.

## ODPP Rape and Sexual Offences Statistics

The ODPP continued to release monthly Rape and Sexual Offences statistics. These statistics are recorded by the Director of Public Prosecutions who forwards it to the MLO at the beginning of each month. The MLO then compiles the information into a narrative and tabular format, following the previous years' precedent. The precedent was edited at the beginning of the year and the graphs outlining the crimes were removed upon the DPP's instruction.

The raw data compiled by the Director contains a lot of information; however, the MLO prioritises what information is disseminated, depending on the seriousness and public interest of each case.

The statistics were welcomed by the public. The ODPP Media received several requests from Non-Government Organisations (NGOs), Ministries and students for the use of the statistics in their research, feature articles, analysis reports and for presentations. The ODPP also helped organisations who required additional information on the monthly statistics.



# ODPP Media

## Press Releases

The ODPP issued 14 press releases in 2016. The press releases related to decisions made by the DPP in cases of public interest and emphasised the independence of the ODPP as stipulated in the 2013 Constitution. The ODPP issues press releases to various media organisations, including international news agencies. The releases are also uploaded onto the ODPP website for the media and the public to access in the future.

## Corrections Sought by the ODPP from Media Organisations

A total of 25 corrections were sought from media organisations in 2016. Four corrections were sought from the Fiji Times, 7 from the Fiji Sun, 2 from Radio New Zealand, 4 from News-wire, 4 from FBC and 5 from Fiji Village.

## DPP's Speeches

**Implementing UNCAT in Fiji - Police Interrogation and the Rights of Suspects in Custody** - Opening Statement by the Director of Public Prosecutions for Fiji, Mr Christopher Pryde, at the 33<sup>rd</sup> Session of the UN Human Rights Council at the side event organised by the Permanent Mission of Fiji to the UN in Geneva, on 22nd September, 2016.

**The Role of the ODPP in Fiji's Criminal Justice System** - An Address by the Director of Public Prosecutions, Mr Christopher Pryde, to Leadership Fiji at the Pacific Leadership Pro-

gramme Conference Centre, Flagstaff, Suva on 18th May, 2016.

## Media Monitor

The MLO monitors news articles on a daily basis to ensure that the media organisation accurately reports court proceedings and information released from ODPP. The ODPP receives updates on local and overseas news stories from the Department of Information, which collects and disseminates information every day. The MLO also looks at news articles published in the newspapers, media websites, both local and overseas, on a daily basis to ensure that accurate reporting of the organisation and the court proceedings are done.

## Website Maintenance

The MLO is also responsible for updating the ODPP website. To check the traffic flow to the ODPP website, the ODPP utilises Google Analytics on quarterly basis to determine the use of the website. The MLO also uploads all media updates, press releases and monthly statistics on the website, including galleries.

## Social Media

The ODPP has accounts on two social media sites; Twitter and LinkedIn. The MLO is responsible for monitoring these two sites. All media updates and press releases are also disseminated through our two social media accounts.

# ODPP Media

**Table: List of ODPP Press Releases issued in 2016**

Date Issued	Title of Press Release
5 February 2016	PRESS RELEASE (No.1 of 2016) DPP files additional charges in Vilikesa Soko death in custody matter (Amended Information)
10 March 2016	PRESS RELEASE (No.2 of 2016) DPP – no charges against former ACP Henry Brown
4 April 2016	PRESS RELEASE (No.3 of 2016) DPP concerned over media reports in Deuba murder case
9 May 2016	PRESS RELEASE (No.4 of 2016) DPP withdraws Murder charges against four men
27 June 2016	PRESS RELEASE (No.5 of 2016) ODPP hosts 2 <sup>nd</sup> Annual National Prosecution Course
4 July 2016	PRESS RELEASE (No.6 of 2016) DPP responds to MP Mosese Bulitavu's statement on AG Portfolios
28 July 2016	PRESS RELEASE (No.7 of 2016) Chief Justice addresses the 2 <sup>nd</sup> Annual National Prosecution Course
9 August 2016	PRESS RELEASE (No.8 of 2016) DPP will not appeal decision to acquit Minister Bala
17 August 2016	PRESS RELEASE (No.9 of 2016) DPP charges Fiji Times for inciting communal antagonism
17 October 2016	PRESS RELEASE (No.10 of 2016) DPP – No breach of Public Order Act
19 October 2016	PRESS RELEASE (No.11 of 2016) ODPP Trial Advocacy Training for State Counsel
19 October 2016	PRESS RELEASE (No.12 of 2016) Workshop on First Hour Procedure and Digital Recording of Evidence begins
23 November 2016	PRESS RELEASE (No.13 of 2016) No charges in FBC Wasea Bhasha matter
2 December 2016	PRESS RELEASE (No.14 of 2016) DPP sanctions charge after bomb threat

# ODPP Public Outreach

In 2016, the ODPP participated in the following externally-organised public outreach programmes. These outreach programs create public awareness and understanding about the work of the ODPP.

## International Secondary School Careers Exposition 2016

The ODPP participated at the International Secondary School's Annual Careers Expo 2016, which had close to 300 students from 15 high schools in addition to parents and teachers in attendance. The ODPP's stand had information brochures about the role and functions of the DPP; information about the Crimes Decree; information on subjects, such as anti-human trafficking, the Serious Fraud Division, the Child Protection Division, and the General Crimes Division; information on community awareness and training programmes; and information on how charges are laid. The Careers Expo was held on 5 March, 2016 at International School, Suva.

## University of the South Pacific (USP) Careers Day 2016

The ODPP participated at the two-day USP Career and Entrepreneurial Fair 2016. The ODPP set up an information stand, where members of staff answered queries 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 students. 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, 2016 at the USP Lau-calā 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.



*ODPP Legal Officer, Ms Moira Konrote, with students during the USP Careers Fair.*

# Training and Professional Development

The ODPP continues to deliver a modern and professional prosecution service; one that reflects quality prosecutorial performance and advocacy at the Bar 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. Ms Puamau developed a training programme for 2016, which was approved by the DPP.

## Monthly Training Programme for Professional Legal Staff

The ODPP organised 10 monthly training workshops for professional legal staff in 2016. The responsibility of selecting training themes and designing workshop materials was organised on a rotation basis between each of the three Divisions. The training committee facilitated the delivery of the monthly workshops.



*ODPP Legal Officers during one of the ODPP monthly training sessions.*

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 ensure 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 and involved participatory group presentations. 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 improving standards.

Evaluation forms were also circulated for each training session to help the ODPP Training Section gather each participant's feedback on specific sessions. The information was used to improve future training programmes. Each workshop concluded with the presentation of certificates of participation.

## 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 conduct a variety of training programmes for prosecutors from other government agencies.

# Training and Professional Development

## 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 they attended within 14 days following their return. They are also required to present their report during the monthly training workshops for professional legal officers.

## Trial Advocacy Training for ODPP

The ODPP held its third trial advocacy training for ODPP Legal Officers. The course was conducted by three International Advocacy Training Council (IATC) accredited advocacy teachers, Mr Chow Wee from Malaysia, Mr Giles Surman from Hong Kong and Assistant Director of Public Prosecutions Mr Michael Delaney, from 14-16 October, 2016 in Suva. This is part of the ODPP's continuing commitment to raise the standards of criminal trial advocacy in Fiji. The advocacy training is based on the Hampel Method. The Hampel Method is used by the Bar Council of England and Wales, the Hong Kong Bar Association, the Malaysian Bar Council, the Bar Council of Ireland, the Australian Bar Association, the New Zealand Bar Association and the General Council of the Bar of South Africa to train their barristers.



*Front (L-R) Assistant Director of Public Prosecutions, Mr Mosese Korovou, International Advocacy Training Council (IATC) accredited advocacy teachers, Mr Chow Wee, Mr Giles Surman and Assistant Director of Public Prosecutions, Mr Michael Delaney with ODPP Legal Officers.*

## Professional Officers "Talanoa" Sessions (POTS)

POTS are informal "talanoa" or discussion sessions between legal staff held every Friday afternoon from 3:00pm-4:00pm.

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 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.



# Training and Professional Development

## Overseas Training

	Participant(s)	Training/ Meeting
1.	Director of Public Prosecutions, Mr Christopher Pryde	Financial Crimes Symposium – New York, USA from 11–18 June, 2016
2.	Director of Public Prosecutions, Mr Christopher Pryde and Principal Legal Officer, Ms Jayneeta Prasad	19 <sup>th</sup> Asia Pacific Group on Money Laundering (APGML), San Diego, USA from 5–8 August, 2016
3.	Assistant Director of Public Prosecutions, Mr Mosese Korovou and Principal Legal Officer, Ms Jayneeta Prasad	Economic Crime Symposium, Geneva, Switzerland from 4–11 September, 2016
4.	Principal Legal Officer, Mr Sekonaia Vodokisolomone and Senior Legal Officer, Ms Darshani Kumar	Economic Crime Symposium, Cambridge University, United Kingdom from 4–11 September, 2016
5.	Principal Legal Officers, Mr Yogesh Prasad and Ms Shelyn Kiran	IAP Annual Conference and General Meeting – Dublin, Ireland from 11-15 September, 2016
6.	Principal Legal Officer, Ms Jayneeta Prasad	PILON, New Zealand from 6–11 November, 2016
7.	Principal Legal Officer, Mr Semi Babitu	Post Graduate Certificate in Corruption Studies, Hong Kong from 15 November – 8 December, 2016

# Appendix I

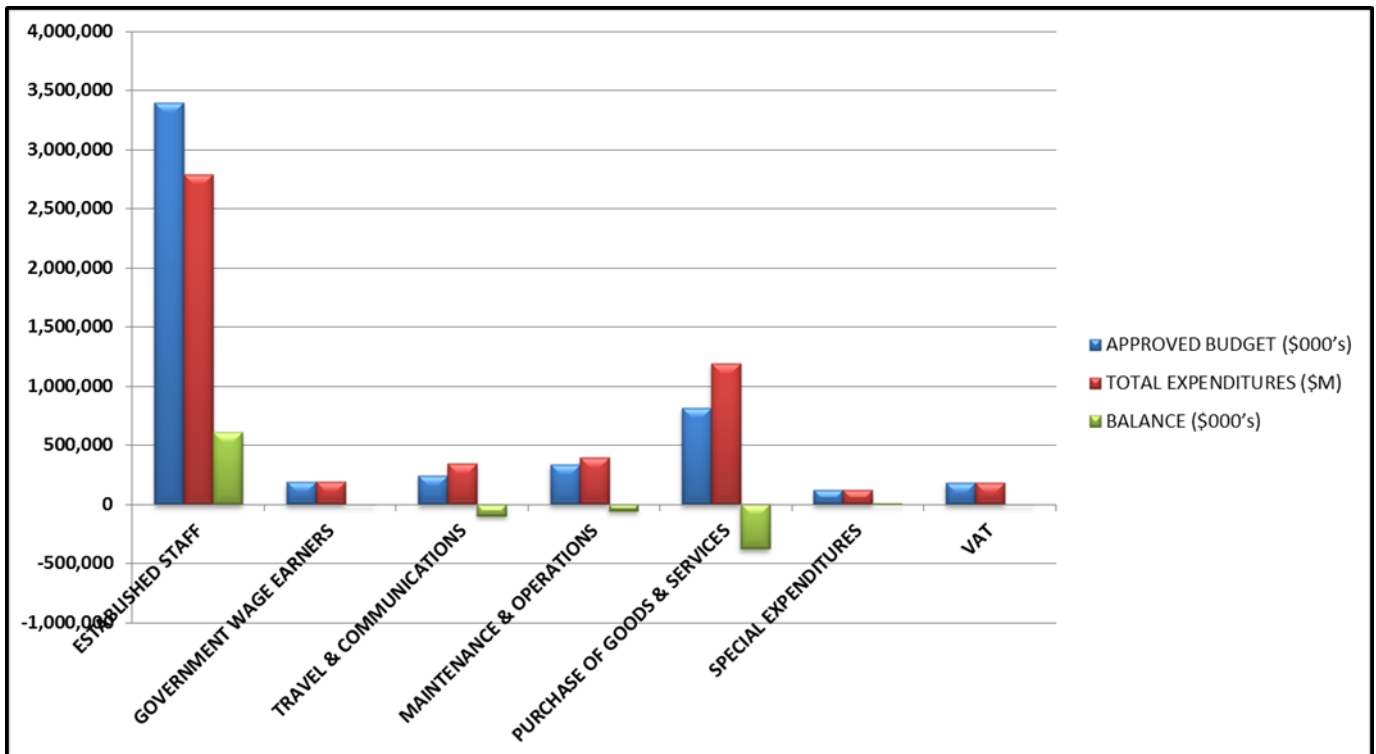
## **SUMMARY OF EXPENDITURES** **AUGUST 2016 – JULY 2017**

*(New Financial Year)*

ALLOCATION	APPROVED BUDGET (\$000's)	TOTAL EXPENDITURES (\$M)	BALANCE (\$000's)
ESTABLISHED STAFF	3,398,481	2,789,866	608,615
GOVERNMENT WAGE EARNERS	188,032	194,717	-6,685
TRAVEL & COMMU- NICATIONS	244,930	341,940	-97,010
MAINTENANCE & OPERATIONS	337,200	392,187	-54,987
PURCHASE OF GOODS & SERVICES	815,000	1,192,106	-377,106
SPECIAL EXPENDI- TURES	120,000	120,165	165
VAT	181,500	182,041	-541
TOTAL BALANCE			72,121

## Appendix II

### **SUMMARY OF EXPENDITURES** **AUGUST 2016 – JULY 2017**



### **ELECTRONIC FUND TRANSFERS (EFT) v** **CHEQUES**

	TOTAL
CHEQUES	\$1,025,985
EFT	\$1,913,309
TOTAL PAYMENT	\$2,939,294

# Appendix III

## **SUMMARY OF VEHICLE EXPENDITURES** **AUGUST 2016 – JULY 2017**

*(New Financial Year)*

#	Vehicle	2016 August – 2016 De- cember	2017 January – 2017 July	Total
1	GQ158	\$1001.76	\$1025.01	\$2026.77
2	GP570	\$937.48	\$1409.93	\$2347.41
3	GQ099	\$2790.77	\$4985.77	\$7776.54
4	GP592	\$2375.03	\$4212.27	\$6587.30
5	GN709	\$7093.19	Nil	\$7093.19
6	GQ063	\$1998.15	\$5415.61	\$7413.76
7	GP801	\$6469.26	\$5167.33	\$11636.59
8	GP800	\$2718.36	\$2876.00	\$5594.36
9	GQ310	\$2367.90	\$4545.30	\$6913.20
10	GP820	\$878.86	\$2646.35	\$3525.21
11	GP360	\$1655.76	\$2294.70	\$3950.46
Total				\$64864.79

# Year in Summary



*The ODPP monthly training workshops were organised by each Division on a rotation basis.*



# Year in Summary



*Participants of the 2016 ODPP Basic and Advanced National Prosecution Course.*

# Year in Summary



***ODPP Trial Advocacy Training for State Counsel.***



# Year in Summary



*2016 Sports and Social Committee events (Sports Day, Eid, Diwali, Fiji Day and Christmas celebrations).*



# Year in Summary



***The ODPP concluded 2016 with an Annual Black Tie Dinner and Awards night at the Grand Pacific Hotel.***

Comments and enquiries should be addressed to:  
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