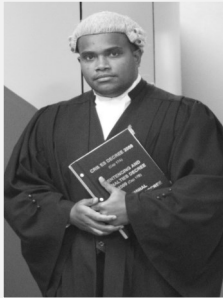


# Office of the Director of Public Prosecutions

## Annual Report 2014



## Director's Foreword

The Office of the Director of Public Prosecutions ("ODPP") began 2014 operating under a new Constitution which had come into effect the previous year. The 2013 Fijian Constitution for the first time allows the Director ("DPP") full control over a parliamentary-approved budget as well as control over the appointment of administrative and legal staff. Previously, the management of the budget and the appointment of staff had been the prerogative of the Ministry of Finance and the Public Service Commission respectively. These new powers are now exercised solely by the DPP without requiring prior approval from any other Government Ministry or Minister and have given the DPP an unprecedented degree of independence and ability to make decisions unaffected by political considerations. The 2013 Fijian Constitution represents a significant watershed for the operations of the ODPP.

Consequently, a number of policy documents were developed and published in order to guide the DPP and ODPP officers in the exercise of these new responsibilities and to give the Fijian public confidence that the enhanced independence and powers granted under the Constitution will be exercised responsibly and transparently. The ODPP Human Resources and Procedures Manual ("Manual") outlines policies and procedures to manage employees within the ODPP.



*DPP, Mr Christopher T. Pryde*

The Manual adds value to the role and responsibility of the Human Resources team by providing a uniform set of guidelines for the purposes of development and monitoring implementation standards within the ODPP. The Manual is accompanied by a HR Toolkit which contains copies of forms, templates and letters referred to in the Manual.

The ODPP Code of Conduct ("Code") is intended to clearly define the obligations of each employee at the ODPP as an employee of the State, and as members of a criminal law office. The Code strengthens the safeguards in place, which is essential to ensure that both the ODPP and its employees are, and are seen to be, free of any conflict and beyond reproach. It lists practical examples to illustrate how rules stipulated by the Code can be applied in practice. Other publications completed throughout 2014 included the ODPP Prosecutor's Handbook ("Handbook") designed to serve as a tool to assist prosecutors prepare and advance fair and ethical criminal prosecutions.

The Handbook covers policy and law on the role and responsibilities of the DPP and State Prosecutors from the charge to the appeal. The Handbook provides a sound knowledge base from which prosecutors can build and strengthen their practice as fair, independent and courageous prosecutors.

## Director's Foreword

The Handbook is complimented by the Prosecutor's Toolkit which contains *pro forma* documents covering the advice through to the trial, appeal and close of a file stage of the prosecutor's carriage of a criminal prosecution brief.

These publications are intended to guide staff of the ODPP and to ensure that decisions of the ODPP are principled and transparent. It is hoped these publications will also better inform the public on the powers and functions of the ODPP and on its role in the criminal justice system.

In 2014 the ODPP continued to invest considerable effort in recruiting high calibre lawyers to assist in leading the organisation in the delivery of a high quality prosecution service. Three new Assistant Directors of Public Prosecutions joined the office in 2014; and, a Principal Legal Officer was appointed to head the ODPP training programmes to build on the crucial position the ODPP commands in the criminal justice system.

In November 2014, the ODPP conducted the first of its kind, a month-long Police Prosecutors' Training Course. The course was designed to equip police prosecutors with the minimum skills necessary to discharge their responsibilities as Police Prosecutors on behalf of the State and to set uniform standards for prosecutions in our courts. The ODPP continued with its strong focus on quality professional development of its employees and as a result a total of

twenty-five local and international training workshops were attended by ODPP officers, from both the legal and the corporate services divisions throughout 2014.

In 2015, the ODPP intends expanding its training programmes to include members of private practice and to nationalise the Prosecutors' Training Course to conduct trainings for prosecutors from other government agencies.

The ODPP will also expand its media relations by launching a revamped website next year. There are also plans for expanding our offices in the northern and the western division by opening two new offices in Savusavu and Rakiraki. Next year, like 2014, promises to be an equally challenging year.

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

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

# Table of Contents

Director's Foreword	2
ODPP Vision, Mission and Values	5
ODPP Role & Responsibilities	6
Criminal Prosecution:	7
• Serious Fraud Division	8
• General Crimes Division	11
• Child Protection Division	13
• Northern Divisional Office	16
• Eastern Divisional Office	17
• Western Divisional Office	18
Corporate Services Division:	21
• Human Resources Section	22
• Library Section	24
• Registry Section	30
• Information Technology Section	32
• Media Section	33
• Public Outreach	38
Training & Professional Development	39
Year in Summary	45

## OUR VISION

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

## OUR MISSION

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

## OUR VALUES

Independence;  
Fairness; and  
Courage.

## GUIDING PRINCIPLES

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

## 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.

### Mandate

Section 117 of the Constitution 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.

The DPP is also committed to advancing public knowledge and awareness in respect of the

work of the ODPP and the criminal justice system and to lifting standards through the continued training of prosecutors.

### 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.*

Furthermore, 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' 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 contribute 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 governmental departments and statutory organisations.



*State Prosecutors Ms Vinti Prasad and Mr Yogesh Prasad.*

### Prosecution Policy

With the enactment of a new Constitution in September 2013, the ODPP is in the process of drafting a revised Prosecution Code to replace the Prosecution Code, 2003. The Prosecution Code is an important guidance tool for State Prosecutors to aid them in their day to day decision making.

### Our 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 are headquartered in the Central Division, with administrative and registry support officers assigned to regional officers around the country.

We have four offices in the Western Division; in Sigatoka, Nadi, Lautoka and Ba. There are also offices in the Northern and the Eastern divisions, each.

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, sound prosecution principles, and in a timely manner.

## Serious Fraud Division

The Serious Fraud Division (“SFD”) is responsible for the prosecution of major fraud cases and money laundering offences.

It is also responsible for initiating restraint and forfeiture applications under the Proceeds of Crime Act (“POCA”).

### Core Functions

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

As the prosecution of such offences involves complex legal issues and voluminous documents, the SFD team spends a great deal of time examining documentary evidence and providing legal advice to investigating agencies (such as the Fiji Police Force and the Fiji Intelligence Unit). These include advice to the Police on files that are before the courts.

### SFD Team

The Division was headed by Manager SFD, Ms Jayneeta Prasad in 2014 and consisted of the Manager and two legal officers: Ms Supreena Naidu and Mr Aisea Paka. The SFD was supervised by Assistant Director of Public Prosecutions (“ADPP”) Michael Delaney.

### Year in Review

The SFD dealt with a number of cases involving elements of deception and false pretence in 2014. Cases of this nature arise in situations

where defendants have obtained property or money by using deception such as false documents and information. The victims were predominantly banks, companies and the government. For instance, in the case of *State v Manoj Khara*, Crim. Case No. 195 of 2012 (October 2014), the accused used fraudulent tax returns to obtain tax refunds from the Fiji Revenue and Customs Authority (“FRCA”). Based on the fraudulent tax returns, FRCA issued 4 cheques amounting to a total of \$44,611.82. The defendant then laundered the funds through his bank account. The accused was convicted of 4 counts of false pretence and 1 count of money laundering, and sentenced to a total sentence of 4 years imprisonment with a non-parole period of 3 years.

Another noteworthy case was a review of a Magistrates’ Court decision by the High Court. In *DPP v Blake*, Crim. Review Case No. HAR 5 of 2015 (29 May 2014), the High Court reviewed the sentence imposed on the accused on charges of one count of bribery and one count of possession of arms and ammunition. The initial sentence by the Magistrate included an order that no conviction be recorded. The High Court quashed this order, entered a conviction and sentenced the defendant to a concurrent sentence of 12 months suspended for 3 years.

The SFD also facilitated an extradition request by initiating an extradition proceeding before the Magistrates’ Court of Fiji at Suva. The extradition request was made by the United States



## Serious Fraud Division

of America. Upon receipt of an authority to proceed from the Attorney General of Fiji, an application to extradite the Defendant was made by the ODPP acting on behalf of the State. The proceedings commenced in the Magistrates' Court. During the proceedings the State appealed the grant of bail to the Defendant. The High Court in *State v Kinho Lo*, Crim. App. No. HAA 19 of 2014S (26 August 2014) allowed the State's appeal against bail and revoked bail. The learned Judge emphasised that the Court would grant bail only in special circumstances in extradition matters.

As part of its core functions, the SFD also initiates actions which are designed to stop people benefitting from crime. Applications of this nature arise under the Proceeds of Crime Act ("POCA"). POCA was recently amended in 2012 to include another application that the State can use to combat illicit gains and benefits. The DPP is now empowered to seek an unexplained wealth declaration. The SFD initiated four forfeiture applications in the High Court this year. The forfeiture applications were made pre-judgment, and so had to be filed in the civil jurisdiction of the High Court. The properties involved in these applications included speed boats, engines, household items such as television sets, and money. Under POCA, the application for forfeiture can arise in two ways; conviction based forfeiture or non-conviction based forfeiture. The four forfeiture applications were non-conviction based which means

that the conviction of the Defendant is not a precondition to initiating these applications.

### Training

As part of its role within the ODPP, the SFD also organises the training of other prosecutors in respect of fraud related offences. In October, the SFD organised a training on Recovery, Confiscation and Forfeiture of Proceeds of Crime. The speakers at the training included Mr Chen Bun Young, and representatives from the Attorney General's Chambers and the Fiji Financial Intelligence Unit. Apart from organising training, members of the SFD are also trained by the Office.

Ms Supreena Naidu attended a training on *Best Practice Techniques to Combat Money Laundering Corruption and Financial Crime* in Port Moresby in February. Ms Prasad attended the annual Asia Pacific Group meeting on *Money Laundering and Terrorist Financing* held at Macao, China in July. The SFD Manager, Ms Prasad and the SFD are also actively involved in various Working Groups which are geared towards ensuring that money laundering and terrorist financing laws, framework and prosecutions in Fiji are up to par with international standards.

### Summary

In 2014, the SFD had 48 active files. Of the 48 active files, there were 42 new fraud files re-

## Serious Fraud Division

ceived by the Division in 2014 alone. Of the 42 new fraud files, three matters were concluded in 2014 and 39 active files were carried forward into 2015.

The Division also handled one extradition matter that remained an active file in 2014 and had to be carried forward into 2015. The Division also dealt with one proceeds of crime matter and four civil forfeiture applications in 2014. These remained active throughout 2014.



*Principal Legal Officer, Ms Jayneeta Prasad  
manages the Serious Fraud Division*



*L-R: Legal Officer Mr Aisea Paka, Legal Officer Ms Supreena Naidu, DPP Mr Christopher T. Pryde, ADPP Mr Michael Delaney, Manager SFD Principal Legal Officer Ms Jayneeta Prasad.*

## General Crimes Division

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

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.

The GCD is the largest Division within the ODPP.

### Core Functions

The GCD engages in a variety of legal tasks ranging from rendering legal advice on general crime file dockets to the DPP, through the Manager 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.

### GCD Team

In 2014, the GCD was headed by Principal Legal Officer Ms Madonna Fong; and upon her resignation to join the private bar, was succeeded by Principal Legal Officer Mr Lisiate Fotofili. The GCD was jointly supervised by ADPP Mosese Korovou and ADPP Lee J. Burney.

### Year in Review

The GCD prosecuted a number of interesting cases in 2014 including *State v Mahendra Pal Chaudhry*, HAC 137.2010 (4 April 2014). The case was tried before the High Court, and an appeal to the Court of Appeal, and a petition to the Supreme Court were both dealt with in 2014. Charges had been brought under the Exchange Control Act. The case reaffirmed the law that any resident or citizen of Fiji intending to, or holding funds abroad must seek the consent of the Governor of the Reserve Bank to do so. In the absence of such an approval, residents or citizens are obligated to repatriate funds back into the country.

The GCD also prosecuted Fiji's first slavery, domestic trafficking, and domestic trafficking in children offences before the High Court in 2014 in *State v Inoke Raikadroka and Mohammed Sagaitu*, HAC 80.2013 (6 June 2014). A sentencing tariff of 12-18 years was established by the High Court for domestic trafficking of children. A sentence of 14 years imprisonment was imposed by the High Court for slavery and 16 years imprisonment for domestic trafficking in children both to be served concurrently. A non-parole period of 14 years was also ordered.

The GCD completed 3 murder and 3 manslaughter cases in 2014. These manslaughter cases involved the accused persons' failure to discharge their duty of care over dangerous objects under their control, which omission caused the death of people under their protec-

## General Crimes Division

tion.

The GCD also completed the prosecution of an arson committed at the Government Buildings in Suva, as well as a burglary and theft of storage facilities by employees who then sold the equipment stolen to scrap metal dealers.

The GCD also completed a large number of prosecution cases involving aggravated robbery; burglary and theft; assault; act with intent to cause grievous harm; rape; defilement and the commission of unnatural offences in 2014.

### Training

The GCD facilitated an internal training on *Ad-*

*vocacy and Appeals – Practise and Drafting Appeal grounds* in 2014.

In addition, the ODPP sponsored Mr Lisiate Fotofili's enrolment in the *Post Graduate Certificate in Corruption Studies* programme at the University of Hong Kong in November 2014.

Members of the GCD were also involved in training conducted with police prosecutors through voluntary participation as trainers at ODPP external training events.



*Back Row L-R: Legal Officer Sujata Lodhia, Legal Officer Siteri Navia, Legal Officer Raj Kumar, Legal Officer Darshani Kumar, Legal Officer Mehzabeen Khan.*

*Front Row L-R: Senior Legal Officer Timoci Qalinauci, Legal Officer Juleen Fatiaki, ADPP Lee Burney, DPP Christopher T. Pryde, ADPP Mosese Korovou, Manager GCD Principal Legal Officer Lisiate Fotofili, Legal Officer Moumita Chowdhury.*



## Child Protection Division

The ODPP has a designated team, the Child Protection Division (“CPD”) to handle prosecutions which are sexual in nature that involve child victims and child 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 (“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 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 referral from the Police in the stages of investigation for consultation, 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.

Headed by Manager CPD Ms Pauline Madanavosa in 2014, the CPD team continues to apply appropriate considerations to the concerns of vulnerable victims by applying for name suppression orders, closed court and screening sessions, and permission for child support persons to be present and seated with the child when they are required to give evidence in court; minimising waiting time for children in court; and encouraging counselling for victims and child witnesses following the commission of a violent or sexual offending. The team adopts a three tiered introductory, rapport building, and opening a narrative stream approach to discussing alleged incidents with child witnesses.

### CPD Team

The CPD team in 2014 was comprised of five highly trained officers well-versed with international instruments relating to the rights of a child. Acting Senior Legal Officer Luisa Latu was transferred from Suva to Ba, and Legal Officer Kimberly Semisi joined the CPD team following her transfer from the Nadi office.

# Child Protection Division

## Year in Review

The CPD largely dealt with cases involving rape, sexual assault, defilement of a young person between the age of 13 and 16 years, and sexual assault offences. A pattern that has surfaced over the years involving offences that are sexual in nature is that the accused persons are mainly in a position of trust or are known to the victim.

Recently, the CPD has also noted the increased use of social media as a tool used by accused persons to target victims, and as a medium toward the commission of a sexual offence against the targeted victim. The CPD has also noted that over the years cases of sexual offences involving male victims have become increasingly prevalent.

For instance, in *State v V and Others*, HAC 184.2012 (6 May 2014), three male offenders were convicted of the commission of unnatural offences contrary to section 175(a) of the Penal Code, Cap 17 and rape contrary to section 207 of the Crimes Decree 2009 committed against other male children.

The facts elicited at trial were that several young boys in a village on the island of Kadavu were being sexually abused not only by the persons charged but others as well. In 2008 one of the accused persons aged sixteen unlawfully sodomised a young boy of seven years. This constituted the unnatural offence count. Had this occurred after 2010 it would have

constituted rape pursuant to Section 207 of the Crimes Decree, 2009.

In 2011, the second offender raped a second child who had been only 9 years old by inserting his penis into the child's mouth. The third offender raped this same child, first by inserting his penis into the child's mouth and then by sodomising the child. These acts were committed at different isolated places within the village, either by the river or in bush areas. These crimes only came to light when a teacher noticed blood on the chair of one of the victims which led to a complaint being lodged with the Police.

The three were sentenced to six, thirteen and twelve years imprisonment respectively.

The CPD, when dealing with child victims, makes interlocutory applications for the protection of the child. These include applications for name suppression and closed court as provided for pursuant to sections 9 and 12 of the Juveniles Act, Cap.76. In the case of *State v Kabaura*, HAC 377.2012S (3 March 2014) the Court held that the name of the complainant was to be permanently suppressed to protect her privacy. The same orders were issued in the cases of *State v Samuela Kiniboi*, HAC 162 of 2012 and *State v Eseroma Vakacegu*, HAC 34 of 2013 (7<sup>th</sup> March 2014).

In *State v Nacuva*, HAC 168.2012 (21 March 2014) and in *State v Dass*, HAC 222.2011 (28 February 2014) the Court issued permanent



## Child Protection Division

name suppression orders to protect the victims, and after considering the domestic relationship the accused persons had with their victims ordered permanent Domestic Violence Restraining Orders (DVRO) to further protect them.

In a landmark decision re *Anand Abhay Raj v State*, CAV0003.2014 (20 August 2014), the Supreme Court established the tariff for the rape of a child to be between 10-16 years imprisonment.

### Training

The CPD organized four monthly training events in 2014 for State Counsel and Police Prosecutors. Apart from local and in house training, two officers from within the Division were nominated to attend overseas training.

The CPD Manager Ms Madanavosa attended the *Vulnerable Witness Handling Training Programme* in Hong Kong. The training was held from 20<sup>th</sup> to 21<sup>st</sup> June 2014. The objective of the training was to provide participants with an understanding of new developments in the handling of vulnerable witnesses; and developments in procedures, rules and techniques in questioning such witnesses in Court. The training was attended by members of the Hong Kong Bar Association and other overseas participants. Although unrelated to CPD activities, Senior Legal Officer Mr Meli Vosawale attended the Forum Fishing Agency (FFA) *Fisheries Prosecutors Workshop* in the Solomon Islands. He now serves as Desk Officer to the Department of Fisheries.



*L-R: Legal Officer Mr. Meli Vosawale, Manager CPD Principal Legal Officer Ms. Pauline Madanavosa, Legal Officer Ms. Kimberly Semisi and Legal Officer Mr. Shivendra Nath.*

## Northern Divisional Office

Our 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 at Labasa, Nabouwalu and Savusavu.

### Team

The Labasa office was headed by Divisional Manager Northern Mr Sekonaia Vodokisolomone in 2014, who was assisted by Senior Legal Officer Ms Pulekeria Low, Legal Officer Mr. Malcolm Maitava, Litigation Clerk Mr Josefa Tosikiwai and Secretary Ms Margret Chand. ADPP Michael Delaney supervised the Northern Division in 2014.

### Year in Review

The Labasa Office prosecuted a large number of rape offences. In *State v Pelasio Vakaroroga*, HAC 013 of 2014 the victim gave evidence via skype from Philadelphia in the United States of America. The victim who was an American national had been spending her holidays in Taveuni when the accused, an *i-Taukei* caretaker at the resort had allegedly raped her whilst she was sleeping inside her hotel room. The Court allowed the taking of the victim's evidence via skype pursuant to section 296 (b) of the Criminal Procedure Decree 2009. On conviction the accused was sentenced to 9 years imprisonment with a non-parole period

of 7 years.

Another case of interest is that of *State v Nazim Shah* where the DPP charged the accused with 5 counts of *money laundering*. It is alleged that the accused was financing his business from money derived from the sale of *cannabis sativa*, an illicit drug. This case was carried forward into 2015 and is still awaiting judgment.



*L-R: Senior Legal Officer Ms. Pulekeria Low, DPP Mr. Christopher T. Pryde, Divisional Manager Northern Principal Legal Officer Mr. Sekonaia Vodokisolomone, Legal Officer Mr. Malcolm Mataiva.*

## Eastern Divisional Office



*L-R: Legal Officer Ms. Vinti Prasad, DPP Mr. Christopher T. Pryde, Acting Senior Legal Officer Ms. Amelia Vavadakua.*

Our Nausori office prosecutes offences throughout the Eastern Division, which includes the provinces of Tailevu, Lomaiviti, Rewa and Naitasiri.

The ODPP, Nausori serves the Magistrates' Courts at Nausori, Korovou, Vunidawa and island Court sittings at Koro Island, and on Ovalau. State Counsel based at Nausori prosecute indictable offences from that jurisdiction before the High Court of Fiji at Suva.

### Team

In 2014, the ODPP Nausori was headed by Divisional Manager Eastern Principal Legal Officer Mr Yogesh Prasad. He had a team of two State Counsel: Ms Vinti Prasad and Ms Amelia Vavadakua; and two corporate service personnel: Ms Veena Prasad and Ms Nunia Bogi.

### Year in Review

Some of the major cases prosecuted by the ODPP Nausori in 2014 involved murder, robbery with violence, and rape. In *State v Sailasa Mociu*, HAC 52.2013 (4 November 2014), a case of uxoricide - wife killing, the accused raised the defence of provocation which was successfully negated by the State during the course of trial proper. The accused was sentenced to life imprisonment.

In *State v Sitiveni Tuisamoa and Others*, HAC 283.2012S (16 May 2014), the main perpetrator was found guilty through the use of circumstantial evidence. The assessors returned with unanimous opinions of guilty. In this matter the Police had had no major leads, until through a finding of a pompom dropped at the crime scene by the accused which he was seen wearing

moments before the robbery assisted the Police in solving the investigation.

In *State v Josaia Tuidraki*, HAC 125.2013 (3 October 2013) the State led the evidence of voice identification through a child victim. The accused had brutally assaulted and raped the child victim under the cover of darkness at a secluded spot at Natauloa, Nairai Island. The accused had been staying with the victim's family for several years. During the ordeal, the victim heard several times the voice of the accused telling her to cooperate, otherwise she will be killed. In this matter there was no visual identification as the accused had covered his face.

The accused was sentenced to 14 years imprisonment following conviction.



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

## Western Divisional Offices

The ODPP Lautoka serves as Divisional headquarters for four District offices at Sigatoka, Nadi, Lautoka and Ba. These offices came under the supervision of ADPP Mr Vinsent Perera and Divisional Manager West 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.

The Divisional Manager West is also responsible for the conduct of appeal from that jurisdiction before the Court of Appeal. The team predominantly prosecutes summary offences, indictable offences triable summarily and indict-

able 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.

### Team

The Western team composition in 2014 is set out in the table entitled *Western Division Staffing 2014* below.

### Western Division Staffing 2014

#### Lautoka Office

- Principal Legal Officer Mr Semisi Babitu
- Legal Officer Ms Sherlyn Kiran
- Legal Officer Ms Rukalesi Uce
- Legal Officer Ms Wakesa Elo
- Senior Administrative Officer (Litigation) Mr Maciu Nacaucaulevu
- Administrative Officer (Litigation) Mr Ratnesh Kumar
- Clerical Officer Mr Eneriko Taukei
- Typist Ms Mereani Moroivalu
- Driver/ Messenger Mr Satish Chand Sharma

#### Ba Office

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

#### Nadi Office

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

#### Sigatoka Office

- Senior Legal Officer Mr Filimoni Lacanivalu
- Senior Legal Officer Ms Julieen Fatiaki
- Clerical Officer Ms Vineshni Devi
- Driver/ Messenger Mr Luke Nakulanikoro



## Western Divisional Office

### Year in Review

The ODPP West dealt with a wide variety of offences in 2014. The team noticed an increase in *illicit drug* offences involving drugs being brought into Fiji through the Nadi International Airport.

A noteworthy case handled by the ODPP West, was the case of *State v Gregory Wilcox Stires*, HAC 013/2014. Briefly, the accused left Addis Ababa, Ethiopia on 30th January 2014 transiting to Hong Kong on Fiji Airway Flight FJ 392 and arrived at the Nadi International Airport on 2nd February 2014 carrying a brown suitcase. When Custom officers searched his suitcase at the Nadi International Airport, they found 3.8 kilograms of methamphetamines wrapped in black plastic and placed in the rim of the bag. The drugs were confirmed to be Methamphetamine by the Police Forensic Services team.

The accused was charged with one count of *Unlawful Possession of Illicit Drugs* contrary to section 5 (a) of the *Illicit Drugs Control Act, 2004*. Following a trial in the High Court at Lautoka, the accused was convicted and sentenced to 9 years and 6 month imprisonment with a non-parole period of 8 years. This case shows that individuals are attempting innovative ways to hide drugs from the authorities in order to import them into Fiji.

After the trial, the ODPP applied for a destruction order in respect of the methamphetamines seized. The order was granted by the Lautoka

High Court and the destruction was witnessed by an ODPP Officer, an Officer from the High Court and the Investigating Officer. A Report to that effect had to be filed at Court.

Another case of interest was the case of *State –v - Rafaele Noa and Ilivasi Navunicagi*. This was a case where the DPP had applied for a trial *in absentia* pursuant to section 14 of the Constitution. Both accused persons had failed on consecutive dates to attend Court, and the State filed a Motion and Affidavit to have the accused tried *in absentia*. They faced a count of *Murder* contrary to section 237 of the Crimes Decree, 2009 and a count of *Aggravated Robbery* contrary to section 311 (1) (a) of the Crimes Decree, 2009.

To support the application, the ODPP filed the Affidavit of the Investigating Officer to show to the Court the steps that had been taken by the Police in trying to execute the bench warrants against each accused. The ODPP also tried to serve the application on the accused but without success. An additional Affidavit was filed to show the Court that the State had tried all avenues to serve the necessary papers on them as Respondents.

The State also by way of Substituted Service advertised in the local newspapers informing *Rafaele Noa* and *Ilivasi Navunicagi* that a trial date had been set. The State later filed an Affidavit to show the Court that the advertisement had been published in the newspapers by way of

## Western Divisional Office

Substituted Service. This case demonstrated the procedures that should be followed where the State applies for a trial *in absentia*.

### Training

The ODPP West also organised and delivered monthly workshops for Police Prosecutors, as part of the ODPP External Series of Workshops delivered nation-wide in 2014. The workshops covered criminal law and procedure from the charge to sentencing stages of criminal proceedings, and were conducted by legal officers within the Western Division in turn.



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



## Corporate Services Division

The Corporate Services Division ('Division') is a central enabler to the operations of the ODPP. It is comprised of the Human Resources & 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 and 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, formulating and implementing the annual corporate plan, business and training plan.

Human Resources will continue to play a critical role in ensuring that we have a high-performing and engaged workforce.

The Corporate Services Division is headed by the Manager Human Resources Principal Administrative Officer Ms. Charlotte Nambiar.

### Human Resources Management

Being a Human Resource ("HR") Manager, there are various roles and responsibilities that need to be delivered. The true focus of the Human



*HR Manager, Ms. Charlotte S. Nambiar.*

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 organizational strategies.

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

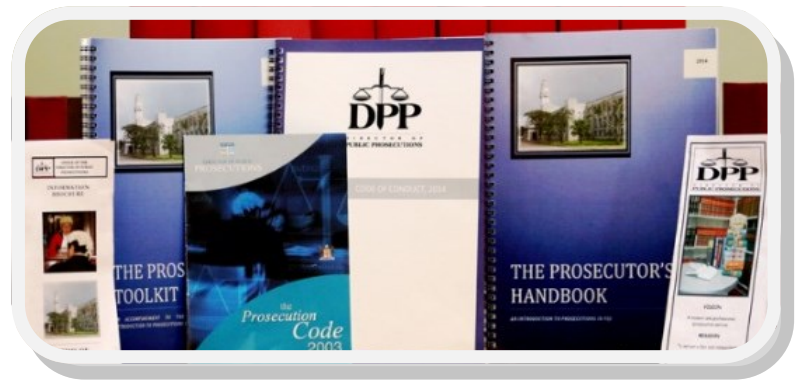
### Organisational Effectiveness

Our aim is to strategically plan for future employment needs and at the same time maximise the effectiveness of our current employees. One of the challenges is identifying the competencies we need 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 fulfill their contractual obligations, and that contracts are renewed upon satisfactory performance reviews. HR also ensure employees are well compensated to perform at their best level. The Finance section takes care of employee salaries,

## Corporate Services Division



### **A Learning Organization**

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 trainings. It focuses on developing systems, and structuring processes, teams and people within the organization.

### **Publications**

In 2014, there were three key documents published by the ODPP of which two were to directly add value to the strategic priorities of the Corporate Services Division of the ODPP.

### **Human Resources Policy and Procedures Manual**

The Human Resources Policy and Procedures Manual ("Manual") outlines the policies and procedures in place to manage employees within the ODPP. These policies and procedures are based on the principles of equal employment opportunity and merit.

The Manual is accompanied by a HR Toolkit which contains copies of forms, templates and letters referred to in the Manual. The Manual clearly states out policies concerning Human Resource development, personnel manage-

ment, workforce, career planning and job design and evaluation policies. A copy is available to the public through the ODPP website.

### **ODPP Code of Conduct**

The ODPP Code of Conduct ("Code") applies to all employees of the ODPP, including the DPP. It outlines, in a single document, guidelines for employee conduct and provides guidance on how to exercise sound judgement in ethical matters. It lists practical examples to illustrate how the rules can be applied. The Code is intended to clearly define the obligations of each employee at the ODPP as an employee of the State, and as members of a criminal law office.

The Code strengthens the safeguards in place, which are essential to ensure that both the ODPP and its employees are, and are seen to be, free of any conflict and beyond reproach.

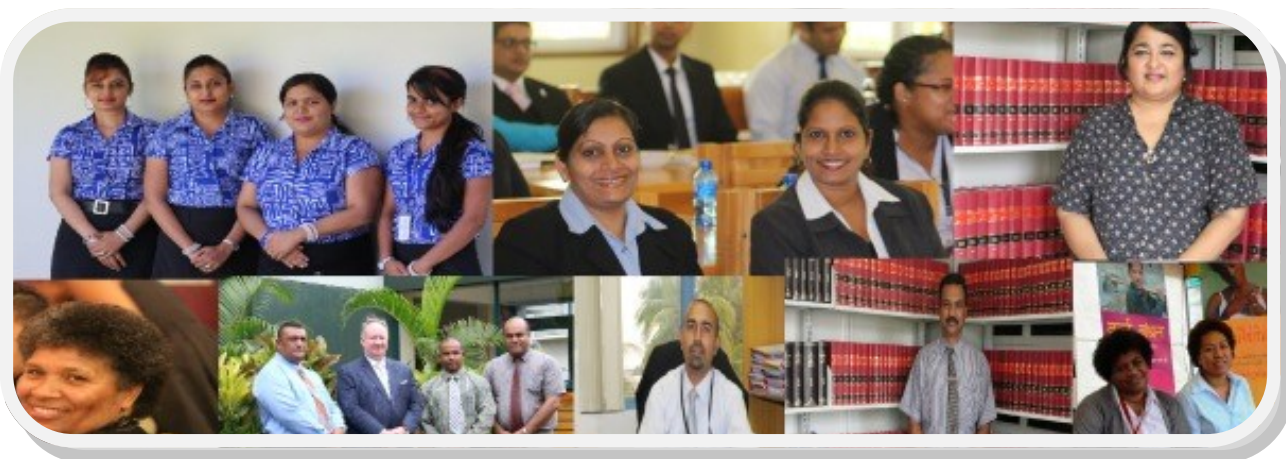
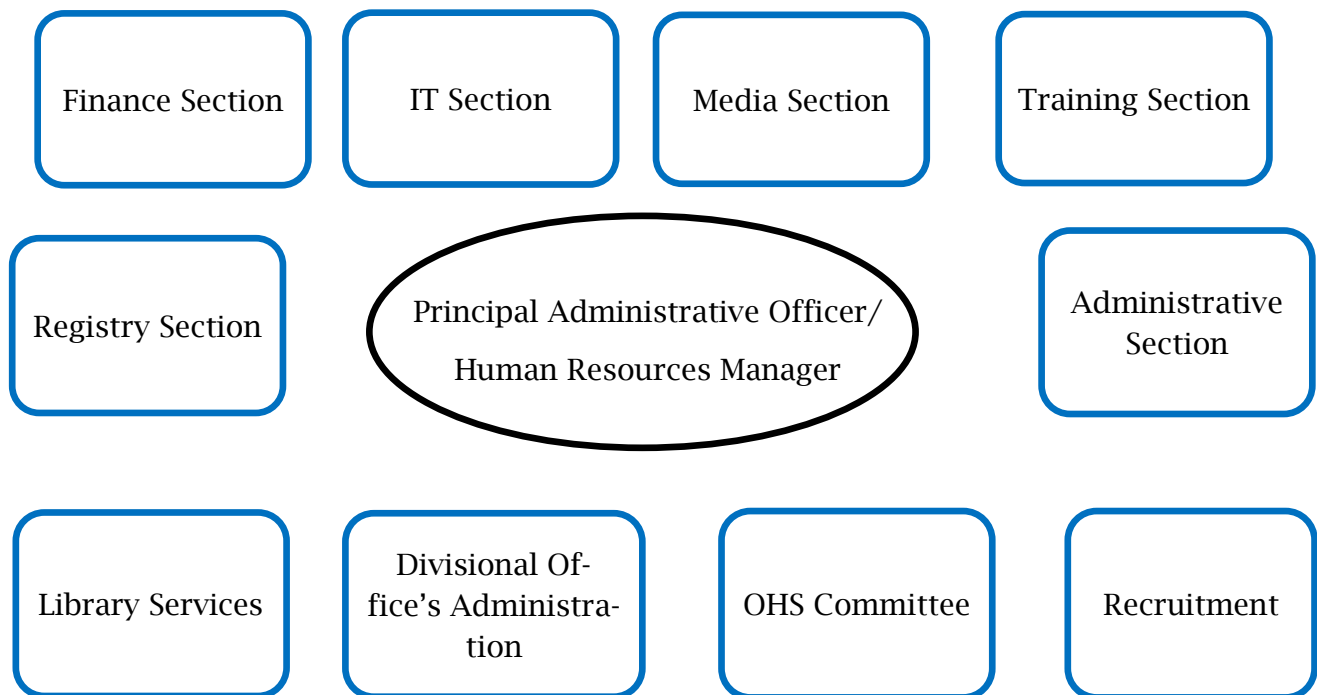
### **The Prosecutor's Handbook**

The Prosecutor's Handbook ("Handbook") is an introductory handbook containing policy and law covering the role and responsibilities of the Director of Public Prosecutions and his prosecutors from the charge to the appeal.

It is designed to serve as a tool to assist prosecutors prepare and advance fair and ethical criminal prosecutions. The Handbook provides a sound knowledge base from which prosecutors can build and strengthen their practice as fair, independent and courageous prosecutors.

## Corporate Services Division

### ODPP Corporate Services Division Organisational Structure:



## Library Section

The ODPP has a well-resourced and well-structured library based at its headquarters in Suva. It provides a valuable research and reference support service to all State Prosecutors with an extensive range of online resources and a wide ranging collection of print materials.

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

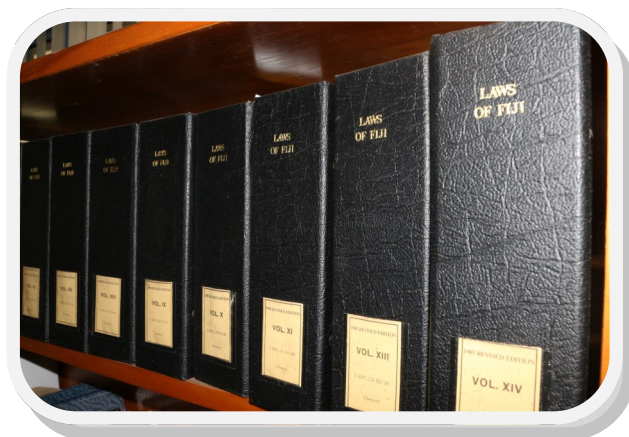
The Library also has its own budget allocation which is used to subscribe to legal publications locally as well as internationally.

In 2014, the Library expanded its collection of print materials and developed a digital database for easy use of the library services by Counsel across Fiji.

### Library Management Software

With a year into the use of the new Library Management Software, Liberty, the Library catalogued close to 95 per cent of all available e-resources onto this digital platform.

Since its introduction to our library in June 2013, the library has catalogued 60% of law text books into this system. Additionally, all 2013 and 2014 judgments inclusive of Magistrates' Court, High Court, Court of Appeal and Supreme Court judgments have been catalogued and a softcopy of these judgments have been upload-



ed into this system.

Counsel can access this information database through Liberty from their own computers.

### Inter-Library Loan

The ODPP Library, on an inter-library loan basis, exchanges legal text books and reports with the Suva High Court library and the Attorney-General's Chambers library. While the use of the ODPP library is limited to officers at the ODPP, the Librarian shares resources upon request from other Government and independent institutions such as the Fiji Police Force, the Fiji Military Forces, the Fiji Independent Commission Against Corruption and in-house lawyers at Statutory authorities and bodies.

### Acquisition

In 2014, the Library was furnished with additional local Acts, bills, decrees, Laws of Fiji, Ordinances and supplements from 1970. It also holds copies of Halsbury's Statutes of England (3rd Ed) and Halsbury's Laws of England (4th Edition) collections.

The library also holds local precedents from the High Courts of Fiji (Suva, Lautoka and Labasa), Court of Appeal and Supreme Court of Fiji (Bound Volumes) from 1977 to date.

The library also hosts a collection of Law Reports from other countries. These Reports include:

- All England Law reports



## Library Section

- 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
- Victorian Law Reports

### Library Resources

The library was upgraded with a new electronic binding machine in 2014 to assist in the preparation of monthly training materials and binding of disclosures for court.

### Law Text Books

The library purchased 14 titles of law text books/law reports. Some of these are new titles whilst the others are the latest editions of existing titles. The text books were purchased in order to strengthen our library collection and provide Counsel with the latest updated information relating to criminal justice.

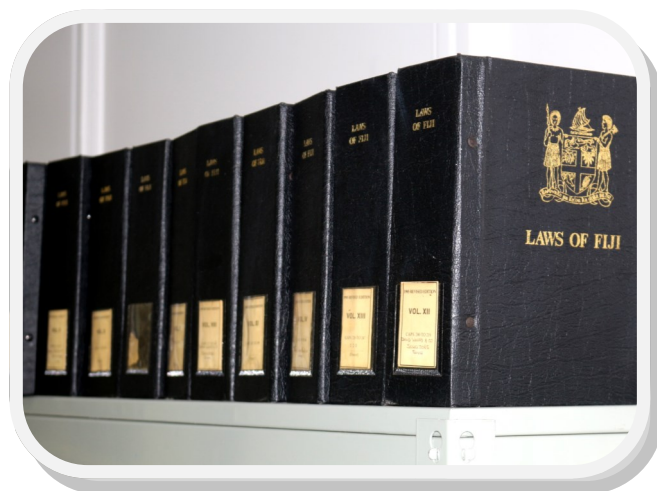
### Annotated Laws

In 2014, the library also purchased more anno-

tated law books from Chan Law. Copies of the annotated law books were distributed to State Counsel who joined the ODPP in 2014 for their use in Court and for research.

Listed below are the annotated law books purchased:

- ♦ Magistrates Court Act & Rules - 3 copies



- ♦ High Court Rules - 4 copies
- ♦ Supreme Court Rules - 4 copies
- ♦ Court of Appeal Act - 4 copies
- ♦ Penal Code - 3 copies
- ♦ Bail Act - 3 copies
- ♦ Crimes Decree, CPD & SPD - 6 copies

Copies of the Bail Act and the Crimes Decree, Criminal Procedures Decree and Sentencing

# Library Section

and Penalties Decree were also distributed to State Counsel who joined the ODPP in 2014.

## Library Donations

In 2014, the library received the following law text books and reports:

### Law Text book:

A copy of Archbold 2013 was donated by Mr. Gary Plowman, SC of Plowman Chambers, Hong Kong.

### Law Reports:

The library also received sets of Law Reports from the Lionel Murphy Library through Pacific Twining Libraries. These law reports are:

- All England Law Reports (ALLER): 1950 – 1988 – These reports are now kept at our Lautoka office for easy reference for State Counsel based in the Western Division.
- Criminal Law Review: Bound Volumes – 1973 – 2001

## Online Research Site

Since August 2014, the ODPP has subscribed to online legal research platforms, namely *Justcite*, a search engine that assists in identifying case laws and legislation from common law jurisdictions around the world and *Justis* which is an online library of UK, Irish, EU and international case laws and legislation.

- Counsel have access to these platforms through their unique log in details while the Librarian has retained administrator privilege for this subscription, which is used to add or delete account users when the need arises.
- This is an annual based subscription and is subject to review for annual renewals.



*The Law Librarian, Mr Ziad Hussein.*



# Library Section

## Library Requests

Apart from acquiring and updating library resources, the Librarian also ensures that all daily library requests, which include searching for case laws (local and overseas), photocopying, binding and preparing disclosures for filing in court, are completed and provided to Counsel within the required time.

## Collection Development

The Librarian in consultation with ADPPs continually evaluates and selects new law textbooks, law reports and journals. The following tasks are also carried out by the Librarian:

- Monitoring of new information sources such as those on the internet;
- Accessing and cataloguing of law text books;
- Sorting, indexing and binding of Local Government Gazettes, supplements, decrees and local judgments;
- General maintenance of library law texts and reference materials, including discarding of outdated publications, repairing of text books, compiling recent case judgments and upgrading the general outlook of the library and its organisation of library materials.

## Case Authorities and Legislations

In 2014, the Librarian successfully converted all available judgments of 2013 and 2014 into soft



copies and they were uploaded onto Liberty. This includes judgements from the Magistrates' Court, High Court, Court of Appeal and Supreme Court.

In addition, 2013 and 2014 legislation (Decrees and Legal Notices included) were also uploaded onto Liberty. The hard copies of these authorities are also available in the library in hard copy.

# Library Section

## Library Subscriptions

The Library has made payments for the renewal of subscriptions for law journals and law reports. Tabulated below is the summary of subscriptions renewed for the year 2014:

Date	Payee	Particulars	Amount
17/01/2014	LexisNexis	Aust.Crim. Trial Direction – Issue 44	NZD \$ 940.00
29/01/2014	LexisNexis	NZ Law Journal	NZD \$ 580.00
25/03/2014	LexisNexis	Aust.Crim. Trial Direction – Issue 45	NZD \$ 1002.00
10/04/2014	LexisNexis	Aust.Crim. Trial Direction – Issue 46	NZD \$ 1112.00
30/04/2014	LexisNexis	Aust.Crim. Trial Direction – Issue 47	NZD \$ 1028.00
21/05/2014	Softlink Aust. Pty Ltd	Annual Support and Maintenance	AUD \$ 1125.00
01/10/2014	LexisNexis	Aust.Crim. Trial Direction – Issue 48 & 49	NZD \$ 2091.00
20/10/2014	Incorporated Council of Law reporting	Payment for Queensland Reports	AUD \$263.00
05/11/2014	LexisNexis	Aust.Crim. Trial Direction – Issue 50	NZD \$ 1128.00
02/12/2014	LexisNexis	Aust.Crim. Trial Direction – Issue 51	NZD \$ 1195.00
18/12/2014	NZ Law Socie- ty	Subscription Renewal for Law Talk Magazine - 2015	NZ\$ 192.00

# Library Section

## Professional Development

In June 2014, the Librarian attended a three-day Pacific Islands Law Library Community (PILLC) Workshop in Apia, Samoa. The PILLC Workshop was organised and funded by the Office of the Attorney General (Australia) through the Lionel Murphy Library. The Workshop focused on developing sound knowledge in the area of conducting Legal Research, Moys Classification, PacLii Research, and Austlii research.



*Law Librarian at the PILLC Workshop in Apia, Samoa.*

## LIBERTY

*In 2014, the ODPP Librarian had successfully converted all available judgments of 2013 and 2014 into soft copies and they were uploaded on to the Liberty software.*

*This included judgments from the Magistrates' Court, High Court, Fiji Court of Appeal and Supreme Court of Fiji.*

*In addition, 2013 and 2014 Legislations (Decrees and Legal Notices included) were also uploaded onto Liberty.*

## Registry Section

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

The Registry is headed by Mr Apenisa Lewatoro who is assisted by a team of four staff based at 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.

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

An electronic document and records manage-



*The ODPP Registry Team.*

ment 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 onto it, and allows State Counsel to update their matters for record keeping and efficient tracking purposes; 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.

In May 2014, a workshop was conducted by consultants from iTec Software, which developed the CASES software for the ODPP, for all registry and legal staff including the ODPP senior management team. The training focused on the use of the software's new version, and the generating of reports per court venues, charge categories, and the listing of cause lists. CASES is used by the Allocations Manager to monitor and keep track of case file status.

In 2014, the Registry also re-organised 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 Section

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 record 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 has been 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 has been trained to ensure that file census 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 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 procedure.



*Mr Apenisa Lewatoro manages the ODPP Registry.*



## IT Section

The Information Technology (“IT”) Section provides assistance to ODDP 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 (“Section”) provides a secure, highly reliable technological infrastructure along with a high quality service and support system for staff at the ODPP.

The Section was managed by two IT experts, Mr Monish Sharan and Mr Latanoa Bulivou in 2014. The Section was headed by Mr Sharan until September 2014. After his departure, Mr Bulivou took over as Acting Senior Systems Analyst and solely managed the Section until year end.

Mr Bulivou facilitates 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 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.



*Mr Latanoa Bulivou manages the ODPP IT Section.*



## Media Section

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.

To achieve these objectives, the ODPP started a number of media and public relations related projects, including the planning of the revamp of its website in 2014.

### Website Development Planning:

The process started with a review of the old website, including the context, word and graphic content. The objective of this exercise was to draft a map of the structure of a new website that would be more user-friendly, informative, interactive and therefore attractive to a wider audience. The process also embraced the ODPP's various objectives such as upholding and defending the integrity and independence of the ODPP, and maintaining and validating public trust in the Fijian criminal justice system.

The ODPP also acknowledged that the public's interest in information must be balanced against the need to maintain the integrity of the criminal process. Hence, the ODPP diligently strives to assist, whenever possible, the public 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.

The new ODPP website, when launched, will contain media updates, the DPP's speeches and press releases issued from the DPP's desk.

To better inform and educate the public about the function and functioning of the criminal justice system, and to clarify policies that explain the reasons for decisions to commence, continue or terminate prosecutions, the website will also hold 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.



*ODPP Media Liaison Officer, Ms Parijata Gurdoyal.*

## Media Section

### Media Relations:

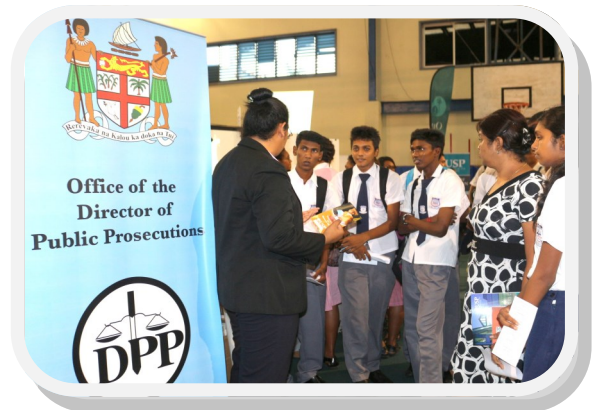
The ODPP has developed an amiable yet professional relationship with the media and is ready and available to assist the media to accurately report events that occur within Fiji's criminal justice system.

The ODPP, in 2014, established 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 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.

### Media Updates:

In 2014, there were 225 media updates issued to media organisations upon request and, when necessary, on issues of popular public interest. Of the 225, 44% (96) was used by print newspapers and 56% (129) were used by media organisations with online platforms as well as on their sister radio and television stations. Four media updates were requested by members of the international media which were subsequently used on online platforms.

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 with 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.

There were a total of 125 media updates provided to online media outlets, including radio and television sites, 96 to local newspapers and 12 to international media.

## Media Section

Print  
(Newspapers)  
96

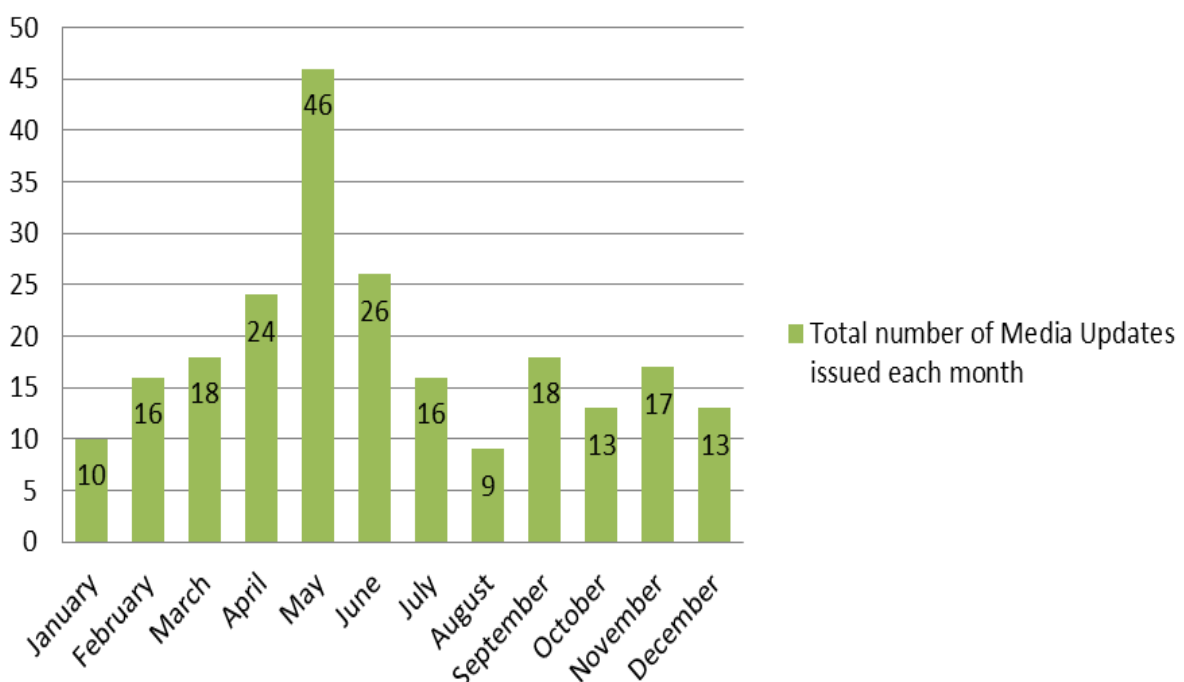
International  
Media  
12

Online  
125

Total: 225 media  
updates in 2014

*125 media updates were provided to online media outlets, including radio and television sites, 96 to local newspapers and 12 to international media.*

### Media Updates per Month in 2014



## Media Section

### Corrections sought by the ODPP from Media Organisations:

The ODPP requested a total of twenty-three corrections from four local media organisations. While the majority of the corrections were acknowledged and corrected promptly by media organisations, there were a few in 2014 for which no corrections or clarifications were published.

The DPP also wrote a Letter to the Editor of the Fiji Sun entitled *Correction to Opinion Piece by Cheryl Saunders dated 12 October 2014* that was published in the Fiji Sun on 14 October 2014.

### DPP's Speeches:

The DPP Mr Christopher T. Pryde delivered the following five addresses in 2014:

**Human Trafficking in Fiji-** An address by the Director of Public Prosecutions, Mr Christopher Pryde, at the 16th Attorney-General's Conference held at the Intercontinental Resort and Spa on the 5th and 6th December 2014

**Police Prosecutors' Training Course-** An address by the Director of Public Prosecutions, Mr Christopher Pryde, at the Conclusion of the Police Prosecutors' Training Course at the Fiji Revenue & Customs Authority Training Room, Suva on 28<sup>th</sup> November 2014.

**Interactive Dialogue on Fiji's 2<sup>nd</sup> Universal Periodic Review at the Human Rights Council-**

Opening address by the Director of Public Prosecutions for the Republic of Fiji, Mr Christopher Pryde, Geneva on 29<sup>th</sup> October 2014

**Sharing Information and Intelligence:** A Fijian Perspective- an address by the Fijian Director of Public Prosecutions, Mr Christopher Pryde, for the 32<sup>nd</sup> International Symposium on Economic Crime held at Jesus College, Cambridge, UK – Session VII on 4th September 2014

**Re-Engaging the Judiciary-** An address by the Director of Public Prosecutions, Mr Christopher Pryde, for the Fiji – New Zealand Business Council Conference at the Grand Pacific Hotel, Suva.

### Press Releases:

The ODPP issued twelve press releases from the DPP in 2014, comprising of issues relating to the DPP's decisions on certain court proceedings of popular public interest, 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 will also be uploaded onto the new ODPP website for the media and the public to access in the future.

# Media Section

**Table: List of ODPP Press Releases issued in 2014**

Date Issued	Title of Press Release
24 January 2014	PRESS RELEASE (No. 1 of 2014) DPP appoints new Assistant DPP
3 February 2014	PRESS RELEASE (No. 2 of 2014) DPP to Withdraw Charges against Unionists
21 February 2014	PRESS RELEASE (No. 3 of 2014) DPP Builds on State Prosecution Team
2 May 2014	PRESS RELEASE (No. 4 of 2014) DPP Clarifies Relationship with AG's Chambers
9 June 2014	PRESS RELEASE (No. 5 of 2014) Misunderstanding Threatens the Independence of the criminal justice system
25 June 2014	PRESS RELEASE (No. 6 of 2014) DPP decides no charges in Sereima Berwick case
14 August 2014	PRESS RELEASE (No. 7 of 2014) DPP Welcomes Fourth Assistant Director
23 September 2014	PRESS RELEASE (No. 8 of 2014) Murder Accused apprehended in India
1 October 2014	PRESS RELEASE (No. 9 of 2014) DPP alone has powers to withdraw charges
13 October 2014	PRESS RELEASE (No. 10 of 2014) Soko File returned to Police
17 November 2014	PRESS RELEASE (No. 11 of 2014) Josefa Bilitaki
15 December 2014	PRESS RELEASE (No. 12 of 2014) ODPP Annual Dinner



## Public Out- reach

In 2014, 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 2014**

The ODPP participated at the International Secondary School's Annual Careers Expo 2014 which had close to 300 students from around 15 high schools as well as parents and teachers in attendance. The ODPP booth 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; information on our Community awareness and training programmes; and information on how charges are laid. The Careers Expo was held on Thursday 13 March 2014 at the International School, Suva from 4-6pm.

### **Public Service Commission Display Week**

The ODPP also participated at the annual Public Service Commission's Display Week where it set up a booth to help educate the public about the ODPP's roles and functions, including information on Anti-Human Trafficking campaigns and information about State witnesses and victims of crime. The ODPP booth had posters and



brochures explaining the role of the ODPP within the criminal justice system. The display week was from 17-22 March 2014 at the Government Referral Centre, Suva.

### **University of the South Pacific (USP) Career and Entrepreneurial Fair 2014**

The ODPP participated at the two-day USP Career and Entrepreneurial Fair 2014. The ODPP set up an information booth and attended to any 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 28-29 May 2014 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 was encouraged to participate pursuant to availability.

## Training & Professional Development

The ODPP is committed to delivering 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.

Prior to the start of the year, the DPP and the Senior Management Team planned an overall strategic direction of the ODPP for 2014 with a strong focus on the ODPP's commitment of building capacity within the ODPP, and the prosecution service; and enhancing each ODPP employee's career development experience. The DPP, 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.

### Monthly Training Programmes for Police Prosecutors

In April 2014, after a meeting between the DPP, Principal Legal Officer Ms. Puamau, the Director Summary Prosecutions, and Divisional Prosecuting Officers from around Fiji a monthly training schedule for Police Prosecutors was developed. The training would be held on the 3rd Saturday of every month, and would be held simultaneously in Suva, Lautoka and Labasa. Divisional Managers North and West, Principal Legal Officers Mr. Sekonaia Vodokisolomone and Principal Legal Officer Semi Babitau agreed to facilitate the Workshops in their Divi-



*Principal Legal Officer Ms Seini Puamau.*

sions. Workshops in the Western Division were attended by Police Prosecutors from Sigatoka, Nadi, Lautoka, Ba, Tavua and Rakiraki. Workshops in the Northern Division were attended by Police Prosecutors from across Vanua Levu. Principal Legal Officer Ms. Seini Puamau facilitated the Workshops in the Central Division, and these Workshops were attended by Police Prosecutors from Nausori, Nasinu, Suva and Navua. Workshop materials and exercises were prepared by Principal Legal Officer Seini Puamau and were sent to the Western and Northern Divisions, and prepared for the Central Division out of the ODPP Headquarters in Suva. In 2014, the ODPP facilitated 8 External Workshops for Police Prosecutors under this new system.

### Police Prosecution Course 2014

In November 2014, the ODPP reviewed the Police Prosecution Course and in consultation with the Director of the Police Prosecutions Division, the Divisional Prosecuting Officer Eastern ASP Fisi Nazario, and the Director of Training at the Fiji Police Academy, Principal Legal Officer Seini Puamau developed new materials, exercises and assessments for the Course. The ODPP utilised its *Champions for Justice* budget to up-grade the training delivered to Police Prosecutors for both this event and the Monthly Series of Workshops developed for them over 2014.

## Training & Professional Development

Facilitators ranged from Assistant Directors of Public Prosecutions, Principal Legal Officers, State Counsel, senior members of the Fiji Police Force, the Chief Magistrate and a High Court Judge. 28 participants successfully completed the Course; a 100 % pass rate. 24 participants were Police Officers, 2 participants were Land Transport Authority employees, 1 participant was a City Council employee, and 1 participant was an Investigator with the Fiji Independent Commission against Corruption.

### Monthly Training Programmes for the Professional Legal Staff:

The ODPP organised eight mandatory Monthly Training Workshops for its professional legal staff in 2014. 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 these trainings. 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, in-



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 participant's feedback on specific sessions to review and improve future training programmes.

Each workshop concluded with the presentation of certificates of participation.

### 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 that one may have encountered whilst attending to his or her matters in court during the week. Discussions include issues relating to court ethics and court etiquette and how legal staff can better their performance, and service as advocates at the Bar. POTS also serves as a coaching and mentoring platform where the DPP, ADPPs and senior lawyers listen and exchange experiences

## Training & Professional Development

with newer members of the ODPP team. In 2014, there were a total of 28 POTS held. Minutes were circulated after each session, highlighting issues addressed from the previous POTS.

### External Training and Development

Apart from these in-house trainings, 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.

### 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. In 2014, the ODPP sent its officers to 12 training and meetings overseas.

The Corporate Services Division Training and Development Programmes were as follows:

**Library Services:** The Law Librarian attended the Pacific Islands Law Library Community (PILLC), a 3-day workshop organised and funded by the Office of the Attorney-General (Australia) through the Lionel Murphy Library. It was held between 4-6 June 2014 in Apia, Samoa. In August, the Law Librarian also facilitated a training workshop for all legal staff and the Senior Management Team on the use of *Justcite* and *Justis*, online library search tools. This training workshop was conducted via Skype tutorials.

**IT Section:** A CASES Management System Training facilitated by Geoff Carreon of iTec (iTec Software specialises in developing Legal Case Management Systems & Workflow Systems) was conducted with all registry and legal staff and with the ODPP Senior Management Team in May at Suva.

**ODPP Media and Public Relations:** The Media Liaison Officer participated at a Media Industry Development Authority (MIDA) organised Constitution Workshop for Fijian Media facilitated by Madam Nazhat Shameem in March 2014.

## Training & Professional Development

The table below outlines the various training programmes attended by ODPP Legal Officers with the Police Prosecutors throughout 2014

### ODPP Monthly Training Programmes 2014 Calendar

		Facilitators	Participants	Date and Venue
1	Criminal Trial Advocacy Workshop	ADPPs and Senior Legal Staff	ODPP Legal Officers and 10 Police Prosecutors	28 March 2014 GCC Complex, Nasese
2	Drafting in Criminal Law	ADPPs and Senior Legal Staff	ODPP Legal Officers and 10 Police Prosecutors	25 April 2014 GCC Complex, Nasese
3	A Discussion on Capacity, Mental Impairment, Provocation and Automatism	Guest lecturer - Dr. Odille Chang ADPPs and Senior Legal Staff	ODPP Legal Officers and 10 Police Prosecutors	23 May 2014 GCC Complex, Nasese
4	Appeals – Practice and Procedure	ADPPs and Senior Legal Staff	ODPP Legal Officers and 10 Police Prosecutors	27 June 2014 GCC Complex, Nasese
5	Dealing with Reluctant, Hostile and Vulnerable Witness	ADPPs and Senior Legal Staff	ODPP Legal Officers and 10 Police Prosecutors	25 July 2014 GCC Complex, Nasese
6	Prosecuting Juvenile Offenders	ADPPs and Senior Legal Staff	ODPP Legal Officers and 10 Police Prosecutors	29 August 2014 GCC Complex, Nasese
7	Advocacy	ADPPs and Senior Legal Staff	ODPP Legal Officers and 10 Police Prosecutors	26 September 2014 GCC Complex, Nasese
8	Robbery, Confiscation and Forfeiture of Proceeds OF Crime	Guest lecturers, ADPPs and Senior Legal Staff	ODPP Legal Officers and 10 Police Prosecutors	31 October 2014 Holiday Inn, Suva



## Training & Professional Development



The table below lists the various trainings conducted by the ODPP for other governmental agencies throughout 2014

	Training Programme	Date and Venue
1	Legal Research, Analysis, Minute Writing and Case Management	12 April 2014, Police Academy, Nasova.
2	Sentencing- Principles and Key Considerations for Prosecutors	24 May 2014, Police Academy, Nasova.
3	Criminal Litigation- Bail and No Case to Answer	21 June 2014, Police Academy, Nasova.
4	Criminal Litigation- Selected Topics	19 July 2014, Police Academy, Nasova.
5	The Doctor in Court-Etiquette and Evidence	28 July 2014 Department of Medical Sciences of the College of Medicine Nursing & Health Science.
6	Forensic Advocacy - Selected Topics	23 August 2014, Police Academy, Nasova
7	Ministry of Health Prosecution Workshop	27 November 2014 JJ's on the Park Conference Room.
8	Police Prosecutions Course 2014	17-28 November 2014 LTA Conference Room, Valelevu & FRCA Complex, Nasese



## Training & Professional Development



### ODPP International Training 2014 Calendar

	Participant	Training/ Meeting
1	Principal Legal Officer & Manager General Crimes Division, Mr Lisiata Fotofili	Attended the Advanced Trial Advocacy Course held in Brisbane, Australia from 20th - 24th January 2014.
2	Legal Officer, Serious Fraud Division, Ms Supreena Naidu	Attended Best Practice Techniques to Combat Money Laundering Corruption and Financial Crime held at the Holiday Inn, Port Moresby, Papua New Guinea from 24th – 26th February 2014
3	Principal Legal Officer & Manager Child Protection Division, Ms Pauline Madanavosa	Attended the “Advocacy Training on Vulnerable Witness Handling Training Programme” held in Hong Kong from 20 <sup>th</sup> – 21 <sup>st</sup> June 2014
4	Senior Legal Officer, Mr Filimone Lacanivalu & Legal Officer, Mr Shivendra Nath	Attended the International Association of Prosecutions held in Sydney, Australia from 30/6 – 5/07/2014.
5	Principal Legal Officer & Manager Serious Fraud Division, Ms Jayneeta Prasad	APG Meeting held in – Macao, China 15/07 – 18/07/14.
6	Assistant DPP, Mr Mosese Korovou	APG Assessor Training Council – 18/08 – 22/08/14 – Seoul, Korea
7	DPP, Mr Christopher Pryde Principal Legal Officer, Mr Yogesh Prasad Principal Legal Officer, Mr Semi Babitu	International Symposium on Economic Crime – 1/9 – 7/9/14 Jesus College, Cambridge, UK
8	Principal Legal Officer & Manager General Crimes Division, Mr Lisiata Fotofili	Post Graduate Certificate in Corruption Studies – 04/11 – 27/11/14 Hong Kong
9	Senior Legal Officers, Mr Josaia Niudamu & Mr Alvin Singh	International Association of Prosecutors (IAP) Theme: “Good Prosecutions Practice; Learning from Each Other”– 23/11 – 27/11/14 Dubai
10	Legal Officer, Mr Meli Vosawale	Fisheries Prosecutors Training Workshop – 9/12 – 11/12/14 Solomon Islands
11	Senior Legal Officer, Ms Luisa Latu Legal Officer, Ms Wakesa Elo	International Advocacy Training Council (IATC)- Kuala Lumpur, Malaysia- 27/09 – 28/09/14

## Year in Summary



Mr Michael Delaney joined the ODPP in January 2014 as an Assistant DPP.



Mr Vincent Perera joined the ODPP in February 2014 as an Assistant DPP.



Mr Lee Burney joined the ODPP in August 2014 as an Assistant DPP.



The ODPP participated at the Public Service Commission's Display Week in March 2014.



The ODPP participated at the at the Public Service Commission (PSC) organised annual Sports Day in July 2014.



*The ODPP recognises the importance of a healthy and motivated workforce, and is committed to maintaining an active sports and social calendar throughout the year.*

*The ODPP Sports and Social Committee offers a number of social and wellness programmes throughout the year.*



## Year in Summary



*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. Funds are raised by the ODPP Sports and Social Committee through the year to host the Annual Black Tie Christmas dinner.*



*The ODPP Annual Black Tie Christmas Dinner*





## Year in Summary



*Diwali at the ODPP in 2014. The ODPP celebrates diversity through celebrations of national festivals such as Diwali, Eid and Christmas. The ODPP is one of the most diverse public offices in the country, with ninety-six staff from nine different ethnicities.*





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