



Office of the Director of Public Prosecutions Annual Report 2019

Director's Foreword



Director of Public Prosecutions, Mr. Christopher Pryde

Our monthly statistical data was put to effective use this year in two landmark sexual offence cases. First, in *State v Gordon Aitcheson*, the Supreme Court used our statistics to accept the State's submission that the tariff for child rape sentences should be increased to a sentence of between 11 and 20 years imprisonment (up from the previous tariff of 10 to 16 years established in 2014).

Then, in *State v Peni Vukici*, the High Court imposed Fiji's first ever life sentence on a man who had raped his family continually over a thirty-year period. In arriving at the decision to impose a life sentence, the High Court was persuaded by the expert evidence of Dr Daryn Reicherter whom the office had brought over from Stanford Uni-

versity's School of Medicine in the United States and who described the case as one of the worst he had ever seen in terms of the trauma visited on the victims.

I want to record my appreciation for the hard work put into these two seminal cases by members of our Child Protection Division and also our Assistant Director of Public Prosecutions, Dato Shyamala Alagendra.

Following on from these successes in court, we will be reviewing the operation of our Child Protection Division next year as well as the governing guidelines to ensure they are up to date and reflect best practice in terms of how we deal with vulnerable witnesses in the criminal justice system.

Director's Foreword

As the Office expanded in 2018, our office space did not so we have had to be more creative in making more room. Our library was therefore relocated from its home on the top floor of Gunu House to Lomanikoro House, a much bigger premises and our administration section was relocated across the road. We hope to make other office movements in the next year if budgets allow.

Our training and professional development training also expanded this year and we have now included statutory regulators in separate training courses in order to develop their skills to bring prosecutions in the Magistrates Courts under their own specific legislation which had been largely ignored over the years. My thanks to our Principal Legal Officer, Yogesh Prasad, for his tireless work in developing the course and implementing and overseeing the training.

Other notable events in 2019 included the return of the ODPP Annual Conference with this year's theme "Prosecuting Sexual Crime in Fiji – Are we on the right track?" with 120 participants meeting at the Pearl Resort for two days. It is hoped the ODPP Conference will now be a permanent fixture on our calendar.

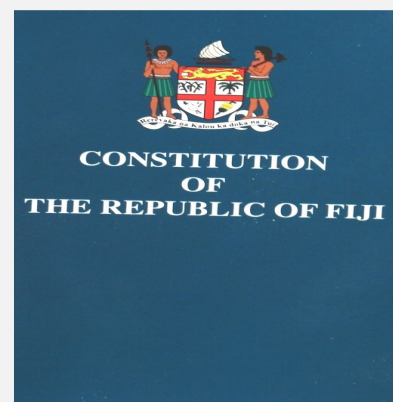
On a sad note, the ODPP farewelled our much loved and respected Assistant DPP, Mosese Korovou, who passed away after 18 years of continued service as a prosecutor with the ODPP. Mr Korovou represented the State in a great many cases at all levels of the criminal justice system and helped establish many leading judicial precedents. He will be missed but long remembered.

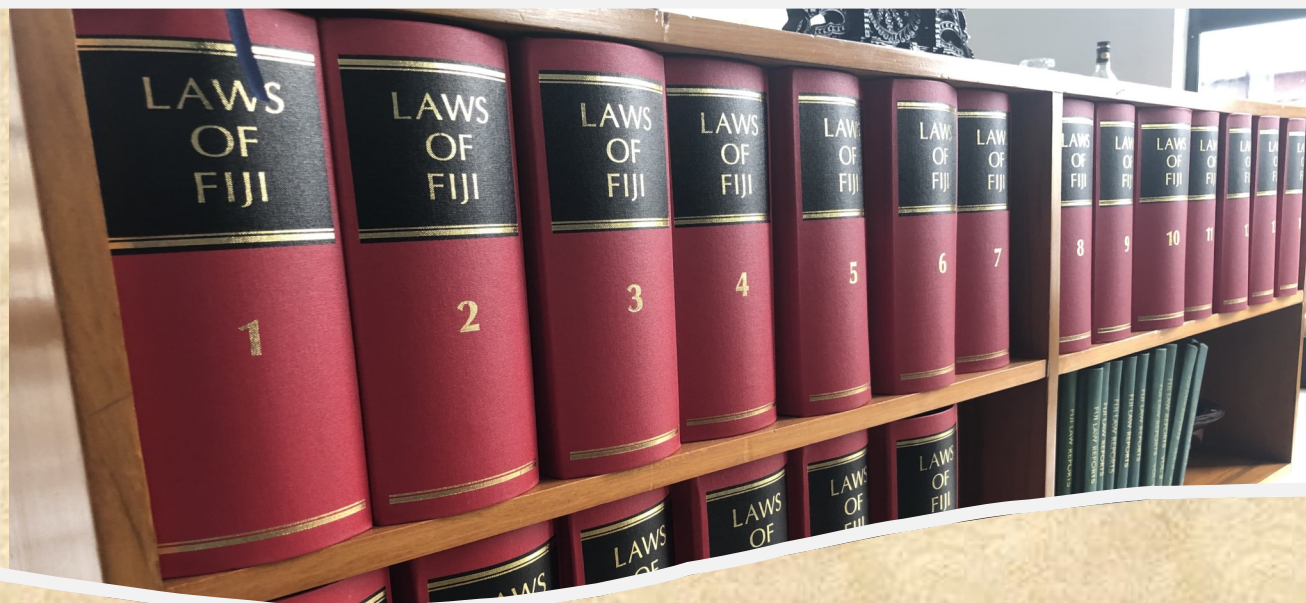
Christopher T. Pryde

Director of Public Prosecutions

Content

Director's Foreword	2
Vision, Mission, Values and Guiding Principles	5
Role of the ODPP	6
Criminal Prosecution	7
ODPP Offices	8
Serious Fraud Division	9
General Crimes Division	13
Sexual Crimes Division	17
Northern Divisional Office	20
Western Divisional Office	22
Eastern Divisional Office	25
Appeals Division	27
Corporate Services Division	30
Employee Movement	32
Accounts and Finance	34
ODPP Library	37
ODPP Registry	41
ODPP IT	44
ODPP Media	46
ODPP Transcription Unit	49
Training and Professional Development	52
Year in Pictures	55





Vision, Mission, Values & Guiding Principles

VISION

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

Mission

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

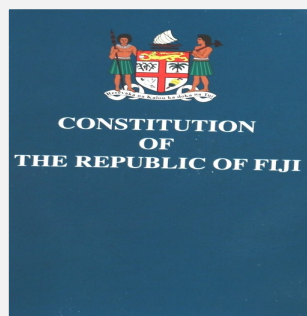
Values

- **Independence**
- **Fairness; and**
- **Courage**

Guiding Principles

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

Role of the ODPP



The Constitution at section 117 (10) states:

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

The 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

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

The headquarters has three sub-divisions: the Serious Fraud Division, the Sexual Crimes Division and the General Crimes Division. All corporate sections have their headquarters in Suva with administrative and registry support offices assigned to regional officers around the country. The Appeals Division is also based at the headquarters.

We have five offices in the Western division (Sigatoka, Nadi, Lautoka, Ba and Rakiraki). There are two offices in the Northern division (Labasa and Savusavu) and one in the Eastern division (Nausori).

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



ODPP Headquarters, Gunu House, Suva.

SERIOUS FRAUD DIVISION

Team

The SFD is staffed by a Principal Legal Officer and five legal officers in 2019. Ms Jayneeta Prasad continued as the Manager Serious Fraud. Ms Mehzabeen Khan was promoted to Senior Legal Officer. Ms Moira Konrote and Mr Saif Shah have continued as the Division's legal officers. The year saw an increase in the staff of SFD with two newly admitted lawyers joining the team, Ms Nimisha Shankar and Mr Sahil Shiraz.

Training

The Division provides training to Police on money laundering, fraud and proceeds of crime matters. The members of the Division are also actively involved in upgrading their skills in prosecuting fraud matters through in-house ODPP training along with overseas training.

Ms Khan attended the Asia Pacific Group (APG) on Money Laundering and Terrorist Financing Assessor training in Auckland, New Zealand, where she was trained in the FATF Recommendations on Money Laundering and Financing of Terrorism. As a qualified assessor, Ms Khan can now take part in Mutual Evaluations of member countries of APG on the FATF Recommendations on Money Laundering and Terrorist Financing.

The Serious Fraud Division (SFD) is a division of the Office of the Director of Public Prosecutions that is based on the middle floor of Gunu House.

The Serious Fraud Division deals with serious financial crimes, money laundering, and proceeds of crime matters.

The main areas of focus are offences, such as deception, abuse of office, corruption, theft or larceny by servant, conspiracy to defraud and breaches under the Financial Transactions Reporting Act. The Division also undertakes mutual legal assistance requests and extradition applications.

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 application for restraint and forfeiture under the Proceeds of Crime Act (POCA). The SFD assists stakeholders in terms of anti- money laundering regimes. The team of officers at the SFD also engages actively 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 members of the Division also actively take part in the Anti Money Laundering Working Groups (Legal and Law Enforcement). In 2019, Ms Mehzabeen Khan, as a representative of the DPP, was the chair of the AML Legal Working Group. Ms Khan, Ms Moira Konrote and Mr Saif Shah were also active participants in the Legal and Law Enforcement Working Groups.

SERIOUS FRAUD DIVISION

Year in Review

The SFD continues to handle a majority of theft matters or misappropriation matters where employers have been victims at the hands of their employees. In these kind of cases, it is mostly the accounts officers or clerks, entrusted to honestly conduct their duties, that have breached this trust and stolen monies. A case of this nature was tried in the Magistrates' Court in **State v Josephine Govind [2019] FJMC Crim. Case No. 892 of 2012, 30 July 2019**. The accused person, Ms Josephine Govind was found guilty after trial. Ms Govind was charged with one count of Larceny by Servant, contrary to section 274 (a)(i) of the Penal Code [Cap 17], and one count of Theft, contrary to section 291 of the Crimes Act 2009. The amount involved was over \$69,000. The accused person was the Accounts Clerk and Administration Manager of the complainant company. The accused person was found to have stolen the monies and used it to pay for her visa card payments and shopping. The Sentence of the accused person was 24 months imprisonment for larceny by servant and 18 months' imprisonment for theft. The Sentence reflected that the accused person had made full restitution prior to the finding of guilt.

One of the theft, deception and money laundering matters of interest was **State v Nausheen Hussein [2019] FJHC Crim. Case No. HAC 317 of 2015, 25 November 2019**. The accused person was charged with one count of theft, contrary to section 291 of the Crimes Act 2009, one count of obtaining property by deception, contrary to section

317 of the Crimes Act 2009 and one count of money laundering, contrary to section 69 (3) (b) of the Proceeds of Crime Act 1997. The facts of the matter revealed that the accused person was the accounts officer of the complainant company and stole monies belonging to the complainant through internet banking payments, purportedly for payments of bills. The accused person also falsified a pay slip for herself and submitted the same to the Fiji Islands Revenue and Customs Services and received a tax return on the same. She later used all the monies in her bank account. The High Court dealt with a very contentious issue in relation to what money laundering is in Fiji and stated:

"...I do not believe that the intention of Parliament was to confine this legislation to deal only with the aspects of international money laundering. Although the Bill was introduced along with the Mutual Assistance in Criminal Matters Bill, the preamble provides for confiscation of the proceeds of crime to deprive persons of the proceeds, benefits and properties derived from the commission of serious offences and to assist law enforcement authorities in tracing the proceeds, benefits and properties and for related matters. I am of the view that the alleged acts of the accused justify the laying of a money laundering charge given the alleged manipulation of the Fiji financial system to hide the true origin of proceeds of crime."

SERIOUS FRAUD DIVISION

Year in Review

The SFD also received a considerable number of files where members of the public had given false information to the Government arising from damage caused by Cyclone Winston. These cases were one of the first matters filed under the newly enacted False Information Act 2016.

Proceeds of Crime Applications

As part of its core functions, the SFD also initiated actions designed to stop people benefiting from crime. Applications of this nature were filed under the Proceeds of Crime Act (POCA). Under the POCA, the ODPP is authorised to initiate matters to restrain property that can be reasonably suspected of being tainted property; that is, it was derived or realised from the commission of an offence. Once a restraining order is granted, the properties (including bank accounts and real property) can no longer be dealt with 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.

This year also saw a marked increase in proceeds of crime applications being made by SFD (forfeiture and restraining order applications). In the case of DPP v Prasad [2019] FJHC Civil Case No. HBM 44 of 2018, 1 March 2019, a non-conviction based application for a forfeiture was made and granted over \$3900. The case is interesting as the Respondent had been discharged in the Magis-

trates' Court case of his criminal charge and there were no criminal matters pending against him. The High Court found:

"There are two rationales for forfeiture. One is that no person involved in unlawful activity should derive benefit from the illegal activity. Second, victims of crime should be compensated adequately by either restoration of property or payment to the amount that is equal to the loss. There are two types of forfeitures and they are criminal and civil forfeitures.

For a Criminal Forfeiture, it is imperative to obtain a conviction and for a civil forfeiture (NCBF), it is not necessary to obtain a conviction or even to charge for an offence.

NCBF is possible when the accused is dead, or a fugitive or even cannot be found. It may also be applied when there is insufficient evidence for prosecution beyond reasonable doubt or after discharge or acquittal."

SERIOUS FRAUD DIVISION

Year in Review

In terms of restraint, a noteworthy case was **DPP v Adi Ravi Manu [2019] FJHC Civil Case No. HBM 52 of 2019, 10 December 2019**, where over \$13,000 was restrained as it was believed on reasonable grounds that the money was obtained unlawfully by selling illicit drugs. It reinforced the position that once Police seize proceeds of a crime, the State has 14 days to file a restraining order and that the fact that the property is in Police custody is not a bar to a restraining order being granted.

There were no extradition requests made to Fiji this year but the ODPP filed charges against a foreign national in **State v Ku-**

lufeinga Bloomfield [2017] Misc Action Number 4, for one count of general dishonesty, contrary to section 323 of the Crimes Act 2009, and one count of theft, section 291 of the Crimes Act 2009. The allegations are that the accused person stole money belonging to his employer, a Suva-based UN Agency and made false claims. The DPP requested that he be extradited from his home country in Tonga to face charges in Fiji. The request was made by the Attorney General's Office to Tonga. The Request is currently ongoing and the criminal proceedings in Fiji await the surrender determination from Tonga.



The SFD team (L-R), Legal Officer Moira Konrote, Manager SFD Principal Legal Officer, Jayneeta Prasad, DPP, Legal Officer Saif Shah and Senior Legal Officer Mehzabeen Khan.

GENERAL CRIMES DIVISION

Team

In 2019, the GCD was headed by Principal Legal Officer, Ms Juleen Fatiaki. ADPP Lee Burney and the late ADPP Mosese Korovou both played a supervisory role.

The team consisted of the following Legal Officers:

- Ms Wakesa Elo
- Ms Sujata Lodhia
- Ms Moumita Chowdhury
- Ms Shirley Tivao
- Mr Rajneel Kumar
- Mr Eoghn Samisoni
- Ms Bhavna Khantharia
- Mr Zenith Zunaid
- Mr Neelraj Sharma
- Mr Arshnal Kumar
- Ms Unaisi Tamanikai-yaroi (transferred to SCD in August)

The General Crimes Division (GCD) is the largest Division within the ODPP. Based on the ground floor of Gunu House, the GCD prosecutes a variety of cases from the Magistrates' Court to the High Court. Besides prosecution, the members of GCD conduct appeals before the High Court, Court of Appeal and Supreme Court.

Core Functions

The GCD is responsible for the prosecution of offences against public order, interna-

tional 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 also responsible for providing legal advice on general crime file dockets to the DPP.



Back Row L-R: Legal Officer Arshnal Kumar, Legal Officer Wakesa Elo, Senior Legal Officer Rajneel Kumar, Legal Officer Eoghan Samisoni

Front Row L-R: ADPP Lee Burney, Senior Legal Officer Shirley Tivao, Manager GCD Juleen Fatiaki, Legal Officers Sujata Lodhia, Bhavna Kantharia, Neelraj Sharma, Zenith Zunaid.

GENERAL CRIMES DIVISION

Training

The members of the Division are actively involved in upgrading their skills and knowledge pertaining to the criminal justice system through in-house ODPP training sessions. These are generally held on the last Friday of every month. This year, some of the team members attended overseas training. Ms Fatiaki attended the 24th Annual Conference and General Meeting of the International Association of Prosecutors held in Buenos Aires, Argentina between 15–19 September.

Legal Officers Bhavna Khantaria, Sujata Lodhia and Eoghn Samisoni accompanied the DPP to the 37th Economic Crime Symposium held at Cambridge, United Kingdom from 1–9 September where the DPP delivered a paper.



Legal Officers Bhavna Kantharia, Sujata Lodhia and Eoghn Samisoni with the DPP at Jesus College in Cambridge.

GENERAL CRIMES DIVISION

Year in Review

The GCD dealt with a number of interesting cases in 2019. The following are some examples.

Abourizk v State [2019] FJCA 98; AAU0054.2016, 7 June 2019.

After a trial in the Lautoka High Court in 2016, the respondents were convicted and sentenced to 14 years' imprisonment with a non-parole period of 12 years for being in unlawful possession of 34 packages of cocaine weighing a total of 49.9kg. With no clear distinction regarding sentencing of 'hard drugs' in our jurisdiction, the State appealed the sentence of both the respondents to the Court of Appeal, requesting that guidelines be given with respect to the sentencing of hard drugs. On 7 June 2019, the Court of Appeal, having considered submissions, set the following guidelines for sentencing for hard drugs (such as Cocaine, Heroin, and Methamphetamine, etc.).

- **Category 01: Up to 05g – 02 ½ years' to 04 ½ years' imprisonment.**
- **Category 02: More than 05g up to 250g**
- **03 ½ years' to 10 years' imprisonment.**
- **Category 03: More than 250g up to 500g**
- **09 years' to 16 years' imprisonment.**
- **Category 04: More than 500g up to 01kg**
- **– 15 years' to 22 years' imprisonment.**
- **Category 05: More than 01kg – 20 years'**

to life imprisonment.

The respondents were subsequently resentenced by the Court of Appeal to 25 years' imprisonment with a non-parole period of 20 years.

State v Werelagi [2019] FJHC 1159; HAC425.2018, 12 December 2019.

The accused was charged with one count of aggravated sexual servitude, contrary to section 106 (1) and section 108 of the Crimes Act 2009, and three counts of domestic trafficking of children, contrary to section 117 (1) (a), (b), (c) (i) of the Crimes Act 2009.

The State depended on the evidence of the complainant who was 15 years old at the time of the offence. Between 18–22 July 2015, the accused had lured the victim to go with him to a prostitution hotspot where he proceeded to sell her to clients. He had done this on multiple occasions between the said dates. On 23 July 2015 in the early hours of the morning, she was discovered by a police officer patrolling the streets and investigations ensued. On 9 December 2019, the learned trial Judge convicted the accused of the above mentioned charges. The accused was sentenced to 14 years' imprisonment with a non-parole period of 10 years.

GENERAL CRIMES DIVISION

Year in Review

State v T.G.M. Juvenile Case No. 40/17 [EJ File No. 95/17].

The juvenile was charged with one representative count of rape, contrary to section 207(1) and (2)(a) and (3), one count of rape, contrary to section 207(1) and (2)(b) and (3) and one count of sexual assault, contrary to section 210(1)(a) of the Crimes Act 2009, respectively.

The juvenile is the victim's cousin brother. At the time of the offence, the victim was seven years old while the juvenile was 14 years old. Between January and 15 May 2016, the juvenile had penetrated the victim's anus with his penis, penetrated the victim's vagina with his tongue and kissed the victim's vagina. The juvenile had pleaded not guilty and was found guilty after trial.

The juvenile was convicted and sentenced to nine months' imprisonment out of which seven months was suspended for two years and the juvenile was to serve two months imprisonment in custody.

In its sentencing submissions, the State submitted to the Court that while considering the interests of the offender, the Court should equally consider the interest of the child victim. In doing so, the Court should consider whether the sentence sufficiently deters youths from committing such sexual acts on children. Hence, the reason why the State asked that the offender at least be given some

minimal imprisonment term as a deterrent.

The Constitution of the Republic of Fiji (2013), under Article 11(1) protects every person to have the right to freedom from torture of any kind, whether physical, mental or emotional and from cruel, inhumane and degrading treatment. The State submitted that the onus was on the Honourable Court to enforce and protect the child victim's rights as she had undergone physical, mental and emotional torture when she was subjected to these barbaric acts done on her by the accused juvenile.

The State submitted ODPP statistics which showed the offence of rape by juveniles is on the rise. The culture being created is that of a dangerous "*First Offender Syndrome*" whereby juveniles may think it is permissible for them to commit the offence of rape since they would receive only a suspended sentence.

The State submitted that the onus and duty rested upon the Court to stop the "rape culture" in relation to juvenile offenders by enforcing imprisonment sentences as exemplified by the High Court in **A.T & Others [2019] FJHC 122; HAC53.2014, 22 February 2019.**

SEXUAL CRIMES DIVISION

Team

The Child Protection Division is headed by Principal Legal Officer, Meli Vosawale and other members include Senior Legal Officer, Kimberly Semisi, Legal Officers, Lavenia Bogitini, Swastika Sharma and Sadaf Shameem.

Training

The SCD conducted presentations and training through official invitation by the Ministry of Health and Fiji National University. Officers were invited to present to final year medical students and qualified doctors on developments of law in the area of child protection, as well as the Courts' expectations on medical experts when giving evidence. There were a number of official requests made by UNDP for officers from SCD to assist in developing investigation curriculums for Fiji Police Academy.

The division facilitated four in-house training sessions in 2019, focusing on various broad topics essential to all the prosecutors. Members of

The Child Protection Division (CPD) which was renamed as the Sexual Crimes Division this year is a specialised division in the ODPP. It is located at level 3, Dolphins Plaza, Suva. The Sexual Crimes Division handles serious sexual offence cases involving children, juveniles and vulnerable victims.

The Sexual Crimes Division prosecutes criminal offences such as rape, incest, sexual assaults, indecent assaults, abduction, defilement, infanticide, etc. The specialised prosecutors also make special protection applications for children, juveniles and vulnerable victims under the Juveniles Act, Crimes Act, Criminal Procedure Act, Child Welfare Act, and Domestic Violence Act.

Core Functions

The decision to prosecute a criminal matter is the prerogative of the DPP. The Sexual Crimes Division renders legal advice to the DPP on sexual offences involving children, juveniles and vulnerable victims. These timely submissions of advice are first presented to the SCD Manager for vetting before a final decision is made by the DPP.

Prosecutors at the Sexual Crimes Division conduct trials in the Magistrates' Court, High Courts and appeals in the High Court, Court of Appeal and Supreme Court. The officers at SCD also provide advice to Police on the sufficiency of evidence on various legal matters; as well as advice to other government departments and agencies on prosecution.

SEXUAL CRIMES DIVISION

In 2019, the division was renamed the Sexual Crimes Division which was formerly the Child Protection Division. The renaming brought about immense positive changes to the Division, namely; the development and launch of the *ODPP Guideline on CSA Prosecution*. The DPP spearheaded the move to develop Guidelines, incorporating national jurisprudential developments in prosecuting Child Sexual Assault (CSA) cases and international best practices.

The ODPP Guideline on CSA Prosecution assists prosecutors in identifying victim vulnerabilities; appropriates measures to be taken at pre-trial and trial stages and post-trial

contact with victims.

In September 2019, Legal Officer Lavenia Bogitini was transferred from the SCD to ODPP Sigatoka, Senior Legal Officer Unaisi Tamanikayaroi replaced her at SCD.



Legal Officer, Unaisi Tamanikayaroi joined the Sexual Crimes Division in 2019.



The SCD team (L-R); Legal Officers Swastika Sharma, Senior Legal Officer Kimberly Semisi, the SCD Secretary, Margaret Chand, SCD Manager, Principal Legal Officer, Meli Vosawale, and Legal Officers, Lavenia Bogitini and Sadaf Shameem.

SEXUAL CRIMES DIVISION

Year in Review

There were a number of successful prosecutions recorded by the Division in the Magistrates' Court, High Courts and appeals in the Court of Appeal in 2019. Here are a few praiseworthy mentions.

In **State v Paula Seru, FJHC HAC281 of 2013** the accused who suffered from an intellectual disability (though not insane or of unsound mind) was convicted and sentenced for raping a child complainant. An inquiry into his mental state was conducted prior to trial and, during his sentencing stage, the Court pronounced the accused was to serve his imprisonment term, and Corrections Services were ordered to accommodate his needs given his mental state.

In **State v David Narayan**, an accused 61-year-old pleaded guilty for digitally raping a 10-year child victim. At sentencing, the learned trial judge stated:

"By committing this crime, you have exposed this ten-year-old child to sexual activities at very young age, thus preventing her to have a natural growth of maturity in her life."

His final sentence after a guilty plea was 15 years' imprisonment with a non-parole period of 13 years.

The Court of Appeal, in **State v Joseva Cokakosova**, passed a new sentence against the appellant as the initial sentence by the High Court was too lenient for a case of multiple sexual assaults on a teenage victim. In the

unanimous opinion of the Court of Appeal, the presiding justice stated that:

"I am of the view that the understating of the seriousness of the repeated acts of sexual assault on the young girl by the learned judge could have impacted the sentence to make it less stringent."

The accused was then resentenced to 13 years' imprisonment with a non-parole of 11 years.

NORTHERN DIVISIONAL OFFICE

Team

In 2019, the Northern Division was headed by Principal Legal Officer, Ms Darshani Rao and was supervised by ADPP, Dr Andrew Jack.

The Division has an office based in Labasa and one in Savusavu.

The Labasa office is staffed by acting Principal Legal Officer, Darshani Kumar, Senior Legal Officer, Amelia Vavadakua and they are assisted by Typist, Ms Neha Sharma and Litigation Officer, Mr Muni Sharma.

The Savusavu office is staffed by Legal Officer, Inia Rakaria and he is assisted by Litigation Officer, Ms Nazmeen Khan and Driver, Mr Dhirend Chand.

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

There are in total six Magistrates' Courts situated in the Division: three in Labasa and one in Savusavu, one in Tevueni and one in Naubowalu.

The Labasa High Court does not have a full-time judge but sits for a week, once a month.

The Division prosecutes a wide range of offences, including but not limited to: 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, traffic offences, and fraud offences.

Training

External training by prosecutors for other agencies was a consistent feature in 2017. This was normally held at the Macuata House at Labasa where ODPP prosecutors were the facilitators. The bulk of the participants were police prosecutors, commerce commission investigators, prosecutors and town council enforcement officers, amongst others. The training was usually held on the Saturday of the third week of every month.

NORTHERN DIVISIONAL OFFICE

Year in Review

Trials in the High Court at Labasa in 2019 were predominantly cases of a sexual nature, in particular rape.

In **State v Josaia Tagugu HAC 41 of 2019**, a 13-year-old child had been raped by a distant relative. The prosecution led the evidence of the child along with the admissions made by the Accused under caution. He was subsequently convicted and sentenced to 14 years' imprisonment with a non-parole period of 10 years.

The unique feature of this case was that part of the trial was conducted at the place where the

offence occurred. The Judge and the three Assessors, along with Counsels for both sides were present. This portion of the trial took place inside the child's home and was only allowed so that the child could clearly explain to the Judge how and where she was when she realised that it was the Accused who had touched her. Both Counsels were allowed to question the child during this visit.



The Northern Division team (L-R), Litigation Officer Muni Sharma, Acting Principal Legal Officer Darshani Rao, Typist Neha Sharma and Legal Officer Inia Rakaria.

WESTERN DIVISIONAL OFFICE

Training

As part of its role in the ODPP, the ODPP West also held monthly workshops with Police Prosecutors, Prosecutors from the Ministry of Health, and Prosecutors from the Commerce Commission, LTA Prosecutors and members of the legal fraternity. The workshops covered all aspects of matters in relation to Criminal law. These workshops were conducted by the legal officers from the Western Division.

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

Team

Lautoka Office

- Officer in Charge Principal Legal Officer Mr Semi Babitu
- Senior Legal Officer Mr Alvin Singh
- Legal Officer Saini Naibe
- 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

- Senior Legal Officer Ms Shelyn Kiran
- 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 Mr Timoci Qalinauci
- 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 ODPP Western Office has dealt with a number of cases of various offences from the Magistrates' Court to the Supreme Court.

A noteworthy case that was prosecuted by an officer from the West was that of **State v Aidong Zhang FJHC HAC061 of 2017S**. The accused was charged with one count of obtaining property by deception contrary to section 317 (1) of the Crimes Act of 2009 and one count of Money Laundering contrary to section 69 (2) (a) and (3) (a) of the Proceeds of Crime Act 1997.

The case for the prosecution was based largely on the direct evidence of the complainant, Mr Yong Chen, a Chinese investor from China. A "Joint Operation Agreement" was made between the complainant, the accused and another to set up a company in Fiji investing in real estate, import and exporting, including tourism. The accused would hold 10% of shares in the said company.

In August 2014, the accused found a property up for sale. He later rang the complainant in China and advised that their company to purchase the property. He advised the complainant that the purchase price was 5.5 million Fijian dollars, and a 1.5 million Fijian dollar deposit was required. However, the purchase price was 3.3 million Fijian dollars and a \$330,000.00 deposit.

The complainant sent the accused his share

of the 1.5 million deposit, \$1,240,740.74. The complainant sent the money to the accused person's company account. Later, the complainant deposited \$4,037,620.65 into their company's ANZ Bank account. The complainant later found out about the real purchase price and deposit for the said property. It was later discovered that the accused used the same for himself and his family.

The accused was convicted and sentenced to three years' imprisonment for both counts. The sentence was made concurrent and suspended for 18 months. In addition to Count 2, the accused was also fined \$1,000,000 to be paid in four weeks, in default, to serve six months' imprisonment.



Manager Western Division, Principal Legal Officer Semi Babitu.

WESTERN DIVISIONAL OFFICE

Year in Review

The court further made the following orders:

- a) *the accused's directorship of Bairain Group (Fiji) Limited (BGL) was terminated;*
- b) *accused's 10% shares in BGL was terminated, and the same transferred to the Complainant; and*
- c) *the one million Fijian dollars the accused paid was to be paid to the complainant as soon as possible, as part restitution of the \$1,240,740.74 he stole from the complainant pursuant to count no.1 and 2.*

The case highlights the powers that the courts have in terms of sentencing and the orders that can be made by the High Court to ensure that the loss suffered by an individual is cushioned in relation to the above case.

The second case involved the issue of bail, specifically on the grounds of special facts or circumstances. The case involved a number of bail applications by an accused in the case of **Justin Ho v State FJHC HAM209 of 2019**. Justin Ho and his counsel made a second application for bail on the grounds that the judge allegedly made an error in his ruling and that his medical condition justified releasing him on bail. The statutory test for a renewed or subsequent application for bail is whether there are special facts or circumstances to consider releasing the applicant on bail. This test is mentioned in section 30 (7) of the Bail Act 2002.

His Lordship Goundar, J. clearly stated that,

"The Bail Act has not defined the phrase 'special facts or circumstances' but has left it to the courts to decide on a case by case basis. The word 'special' has been given the meaning exceptional or unusual in a number of cases. For the facts to be special they must be 'peculiar to the particular case, which set it apart from other cases' (Lyon v Wilcoz [1994] 3 NZLR 422, 431 (CA), following the Full Court in Re M [1993] NZFLR 74). For circumstances to be special they must be exceptional, abnormal or unusual (Crabtree v Hinchliffe (Inspector of Taxes) [1971] 3 All ER 967.976 (Lord Reid), 983 (Viscount Dilhorne))."

Therefore the Court found the grounds did not constitute special circumstances to grant bail and dismissed the second application. The applicant, Justin Ho applied again for bail. The applicant was not relying upon special facts or circumstances to seek bail but was relying upon 'some other consideration' in his renewed application. Justice Goundar clearly stated that:

"The application cannot succeed for two main reasons. Firstly, the Act requires the Applicant to establish special facts or circumstances and not some other considerations. If I consider other considerations, I would be embellishing the statutory test and falling in error. Secondly, the other considerations relied upon by the Applicant are issues relating to evidence not relied upon by the prosecution."

Therefore, the third bail application was also refused by the court. The case provides guidance on section 30 (7) of the Bail Act 2002.

EASTERN DIVISIONAL OFFICE

Team

The Eastern Divisional Office is headed by Principal Legal Officer Eastern, Mr Yogesh Prasad and supported by three divisional State Counsels, Ms Sheenal Swastika, Mr Inia Rakaria and Mr Setefano Komaibaba. In the administration department is Ms Veena Prasad who is our acting executive officer and is supported by Ms Sophaia Takayawa who is our litigation officer. Venina Biu is our messenger and cleaner.

Training

The Eastern division team of ODPP actively participates in training summary prosecutors in its division itself and also does regular monthly training of the Police summary prosecutors from the Central, Southern and Eastern division. PLO Yogesh Prasad has also been conducting the Basic and Advanced Prosecution Course training for police and statutory regulators throughout the year.

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

The ODPP Nausori serves the Magistrates' Courts at Nausori, Korovou Tailevu, Vunidawa, Valelevu and Levuka Courts. Furthermore, State Counsel based at Nausori prosecutes indictable offences from the Eastern Division jurisdictions before the High court of Fiji in Suva and also deal with the appeal matters in the Fiji Court of Appeal and the Supreme Court of Fiji.

This Eastern Divisional Office prosecutes general crimes, which comprises murder, cultivation and possession of illicit drugs, rape, property offences, fraud and arson, common offences in our Division.



Manager Eastern Divisional Office, Principal Legal Officer Yogesh Prasad conducting the Basic Prosecution Course for police officers in 2019.

EASTERN DIVISIONAL OFFICE

Year in Review

In 2019, the ODPP Nausori prosecuted a number of murder trials in the High Court of Fiji. One of the Notable cases was **State v Niko Balei-Wairiki and Eroni Raivani, HAC 013, 2017**.

The two accused, Eroni Raivani and Niko Balei-Wairiki were charged with one count of murder and one count of aggravated robbery. They pleaded not guilty to both charges. The men brutally assaulted the fisherman before stealing a 15hp outboard engine. The two accused were convicted for murder and sentenced to life imprisonment with a minimum term of 22 years to be served before a pardon may be considered. They were also convicted and sentenced to 12 years' imprisonment for aggravated robbery. The sentence is to be served concurrently.

Another noteworthy case was of **State v Rozleen Razia Khan HAC 200, 2018**.

The accused was charged for killing her daughter by drowning. Khan had tied herself with her daughter and jumped into the Rewa River on May 6, 2018, which resulted in the death of her four-year-old daughter. She was unanimously found guilty at trial and sentenced to life imprisonment.

For the first time in the Eastern Division, charges for procuring abortion were filed contrary to section 234(1) and (4)(b) of the Crimes Act of 2009 and successfully prosecuted

in the Suva High Court in the matter of **State v Ashish Prasad HAC 285, 2016**.

In another matter of **State v Jai Raj Naicker HAC 370, 2018**, a step father was sentenced to 16 years' imprisonment with a non-parole period of 12 years for raping his step-daughter over a period of time. He was unanimously found guilty by the assessors and the learned trial concurred with their opinions.

Furthermore, in the matter of **State v Manasa Ratuloaloa HAC 81, 2018**, a military officer indicted for raping a student in his car at a secluded spot in Nausori was prosecuted. He was unanimously found guilty by the assessors. The learned trial concurred with the opinion of the assessors and convicted the accused. The accused was sentenced to 14 years' imprisonment with a non-parole period of 12 years and 3 months. ODPP Nausori also dealt with an alarming influx of rape cases concerning minor victims and Ms Sheenal Swastika successfully prosecuted the perpetrators of such heinous crimes. By the end of 2019, the Eastern Division showed a drop in rape cases against minors, stemming from harsher penalties handed out by the Court.

APPEALS DIVISION

TEAM

The AD was led by Ms Pauline Madanavosa, Principal Legal Officer and Manager. Mr Sekonaia Vodokisolomone, a Principal Legal Officer, was also a team member who resigned in February 2018 to join the Judicial Department as a Resident Magistrate. Ms Shirley Tivao was seconded to the Division from the General Crimes Division on a rotational basis of six months. When her tenure ended, another officer joined our Division, Ms Wakesa Elo, who remained till the end of the year. The Division was quite fortunate to have Ms Sherlyn Kiran join the Division in April as a newly appointed Principal Legal Officer who came from the Western Office.

Training

As mandated by the Appeals Guidelines 2018, the Division participates in the ODPP monthly training, discussing new legal developments in the Courts. The only overseas training was attended by Ms Madanavosa for the International Visitor Leadership Program on the U.S. Judicial System – Protecting Women and Children 1, which was from 6 May–24 May, 2019.

The Appeals Division (AD), newly established in February 2018, is situated together with the ODPP Registry on the middle floor of the ODPP headquarters building at 25 Gladstone Road, Suva.

Core Functions

The Division continues to carry out its work as set out in the Appeals Guidelines 2018, whereby it vets all legal opinions and appeal papers relating to appeals to the High Court, Court of Appeal and Supreme Court. This is done before it is submitted to the DPP for his decision. The team also vets substantive contents of appeal submissions that are received from Legal Officers and Senior Legal Officers and Principal Legal Officers.



*Manager Appeals Division, Principal Legal Officer
Pauline Madanavosa.*

APPEALS DIVISION

Year in Review

There were two interesting decisions delivered by the Full Bench of the Court of Appeal that is worthy of mention.

State v Khan FJCA 257, AAU069.2013, 28 November 2019.

The Appellant (juvenile) lodged an appeal, as well the State against a cost order given by the learned trial judge in the lower court.

The juvenile was charged with one count of manslaughter contrary to section 207 (1) (2) (c) of the Crimes Act 2009 in the High Court. He pleaded Not Guilty and the matter proceeded to trial. The assessors returned with a verdict of Guilty. The High Court Judge concurred and acted in terms of Section 32 (1) (c) and 34 (1) of the Juvenile's Act and ordered Mohammed Ferad Khan, the father of the juvenile offender a cost of \$2500 to be paid to Court. Further, in terms of Section 32 (a) and Section 34 (2) of the Juvenile's Act, the High Court ordered the mother and the father of the juvenile to enter into a Bond of \$5000 each to assure the good behaviour of the juvenile offender for the next seven years until the juvenile crossed the threshold of a juvenile. The evidence led at the trial clearly indicated that the Appellant had shot and killed Mohammed Khayub Khan, his six-year-old cousin.

The Court of Appeal, in dismissing the State's appeal held that the cost order mentioned above is an interlocutory order.

The first issue was whether the State had a right of appeal against an interlocutory order for costs imposed by the High Court. Section 3 of the Court of Appeal Act is to the effect that Appeals lie to the court as of right from the final judgments of the court, given in the exercise of the original jurisdiction of the High Court. It is clear that an interlocutory order is not a final judgment, hence, it does not come under the purview of the said section.

Having regarded the above statutory provisions and the common law principles, the order made by the learned High Court Judge by way of ordering a 'wasted costs order' of \$2000 was an interlocutory order. Hence, an appeal cannot be preferred to the Court of Appeal against such an interlocutory order seeking a determination whether the High Court had erred in law. Accordingly, the Court held that it did not have any jurisdiction to hear the appeal made by the State against the impugned interlocutory order.

APPEALS DIVISION

Year in Review

The second case was **State v Saimoni Mata and Tomasi Koroituju FJCA 20; AAU0056.2016, 07 March 2019** – Illicit Drugs Control Act 2005 jurisdiction (law) cannot be limited by sentencing case law in *Kini Sulua and Michael Ashley Chandra v The State*; Magistrate's Courts have original jurisdiction to hear and determine all offences as charged under section 5 of the IDCA.

Both Appellants had been charged with a first joined count of unlawful cultivation of 18.6 kilograms of cannabis sativa while Mata, alone, had also faced a second count of unlawful possession of 209.7 grams of cannabis sativa. Both offences were committed on 16 February 2013 at Batiki Settlement, Nausori, Eastern Division. At first production before the Nausori Magistrates' Court on 19 February 2013, both Appellants had pleaded guilty to the offences and were sentenced jointly for the first count to seven years' imprisonment with a non-parole term of five years, while Mata had also been given a concurrent one-year sentence for his unlawful possession charge.

Both Appellants had thereafter appealed their Sentences to the Suva High Court. His Lordship Justice Salesi Temo (Esquire) had limitedly relied on the Full Court of Appeal decision of *Kini Sulua*, without focusing on section 5 of the Illicit Drugs Control Act 2005 (IDCA).

He declared the Nausori Magistrates' Court decision (both convictions and sentences) as null and void before sending the file back to the Nausori Magistrates' Court with directions to transfer the matter to the High Court as the High Court was of the view that the lower Court lacked jurisdiction to deal with the charges. Count 1 involved a category 4 offending under the leading *Kini Sulua* case law on IDCA (cannabis) sentencing. The Nausori Magistrates' Court had obliged with the said High Court orders where the case had been duly transferred to the Suva High Court; however, the State had later discontinued the High Court proceedings on 07 July 2016, awaiting the determination of the Court of Appeal matter.

The Full Court of Appeal had agreed that the High Court had unfortunately made an error in holding that the Magistrates' Court lacked jurisdiction to deal with a category 4 *Kini Sulua* offending (relating to 4 kilograms or more of cannabis possession, cultivation or otherwise) and examined the law and similar cases (vide *Nemani Ratuyawa*) and consistently held that the Magistrates' Court had original jurisdiction to determine all matters charged under section 5 of the IDCA. The High Court orders negating the initial Magistrates' conviction and sentence were quashed. The initial Magistrates' Court conviction and sentences for both appellants were properly reinstated as, overall, the Full Court had seen no error made in law and principle by the Magistrates' Court.

CORPORATE SERVICES DIVISION

Core Functions

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

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

Over the past year, the Corporate Services Division focused on continuous improvements to increase efficiency and accountability and improve services to criminal justice and streamline administration work. The overarching goal of this Division is to sustain a supportive framework for a result-orientated set of policies and procedures for the ODPP to achieve its stated objectives.

The Division also has the responsibility of ensuring that all policies relating to ODPP staff are based on the principles enshrined in the Fijian Constitution (2013), 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 year saw the continuous focus on improving efficiency and effectiveness of service and support service delivery.

Human Resources Management

The Human Resources Department (HR) continues to play a critical role in ensuring the ODPP has a high-performing and engaged workforce.

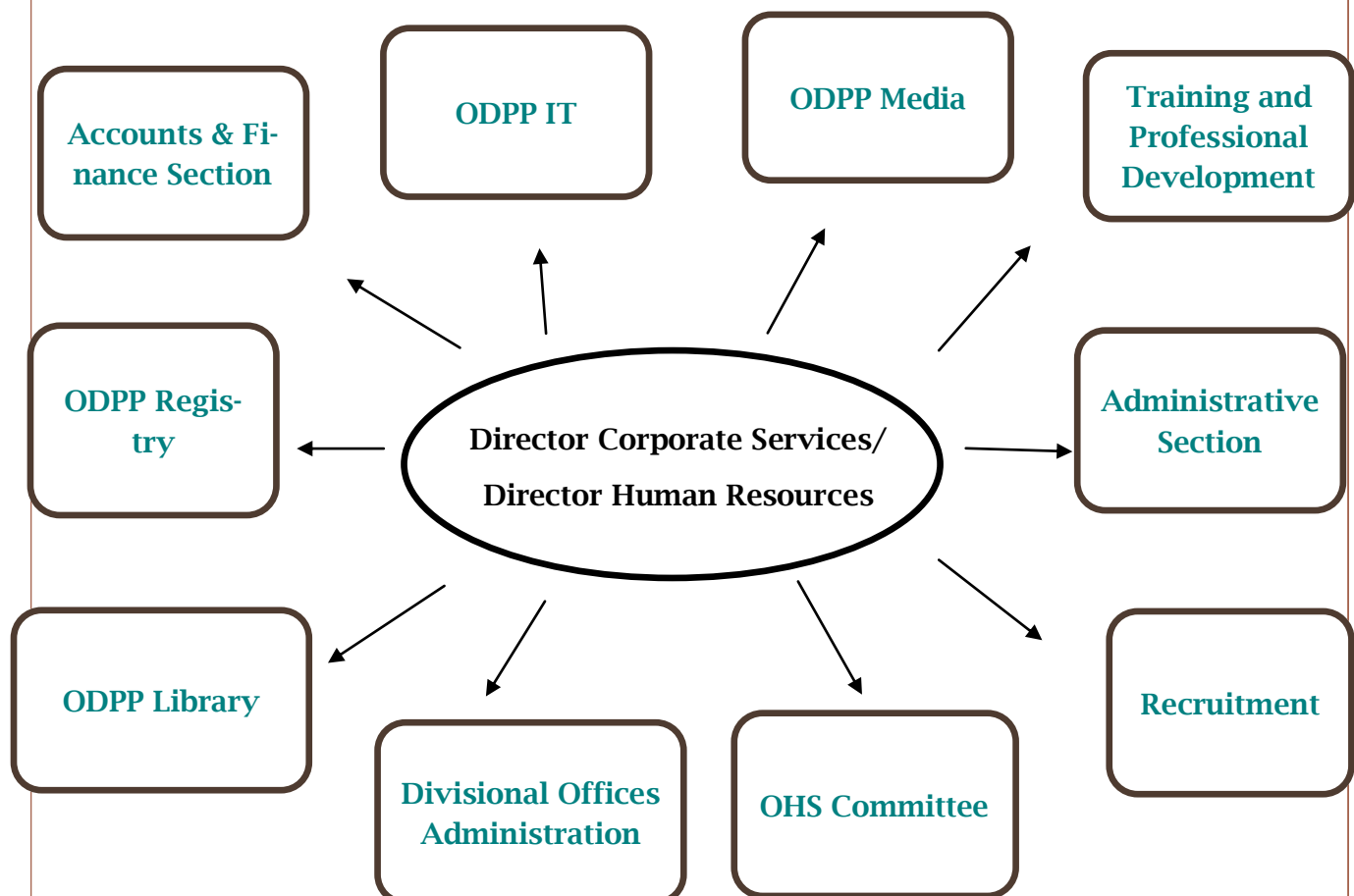
The HR manager has various roles and responsibilities, including recruiting, motivating, retaining the best people, sustaining a high performing workforce and meeting legal compliance. The function of the Human Resources Manager is to promote excellence in human resource management and support in the implementation of the best practices of organisational strategies.

CORPORATE SERVICES DIVISION

This Division were headed by the Director Corporate Services and Human Resources (DCS/ DHR), Ms Charlotte Nambiar. The Corporate Services Division is responsible for the entire administrative and financial functions for the ODPP Fiji-wide. The ODPP comprised 93 staff of which 46 were professionals and 47 were corporate staff.

There are several departments that fall under the Corporate Services Division and under the supervision of Ms Nambiar.

Below is the organisational structure of the Corporate Services Division.



CORPORATE SERVICES DIVISION

Employee Movement

In 2019, the ODPP recruited one new Assistant DPP, six legal officers and eight administrators and corporate staff. Six staff resigned. Of those that resigned was Principal Legal Officer, Mr Sekonaia Vodokisolomone and Senior Legal Officers, Ms Siteri Navia and Legal Officer, Ms Susan Serukai. Mr Vodokisolomone took up the role of Resident Magistrate while Ms Navia went on to serve as a Legal Officer with the United Nations Investigative Team to promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD) in Iraq. Ms Serukai got appointed as a prosecutor with the Nauru Prosecution Office.

Ms Elizabeth Rice joined the office as the new ADPP, following the resignation of ADPP, Shayamala Alagendra.

Ms Rice is an international lawyer and has over 25 years of experience as a criminal lawyer.

Ms Rice comes with vast knowledge and experience and spent many years as a prosecutor with the Crown Prosecution Service in England before joining the ODPP Fiji as a Principal Legal Officer from 1994 to 1997.

On return to the United Kingdom, she continued to practice as a criminal lawyer working for the Crown Prosecution Service. Prior to her appointment as ADPP, Ms Rice had been in the Falkland

Islands, working as a criminal defence lawyer in private practice. She represented defendants charged with historic child abuse, resulting from investigations by a team of specialist police sent to the Falkland Islands from the UK. She also advised and represented members of the British Armed forces stationed at the Falkland Islands who had been accused of criminal offences.



Ms Elizabeth Rice joined the ODPP as the new Assistant DPP in 2019.

CORPORATE SERVICES DIVISION

Employee Movement

The following is a list of staff appointments and resignations in 2019:

Staff Suspended

- Latanoa Bulivou – 22/01/19

Staff Appointments

- Lalesh Sharan- Driver/Messenger – 28/01/19
- Peni Tabua – Driver/Messenger – 28/01/19
- Arshnal Kumar – Legal officer – 25/03/19
- Neelraj Sharma – Legal Officer – 25/03/19
- Nimisha Shankar – Legal Officer – 25/03/19
- Rajshneel Chand – Legal Officer – 25/03/19
- Sahil Shiraz – Legal Officer – 25/03/19
- Rajnesh Narayan – Senior System Analyst – 01/04/19
- Malini Rekha – Litigation Registry Clerk – 01/04/19
- Preeyanka Goundar – Admin Clerk – 24/06/19
- Apisai Marayawa – Driver/Messenger – 22/07/19

- Amardeep Singh – Driver/Messenger – 29/07/19
- Ronesh Chand – Accounts Clerk – 07/08/19

Staff Resignations

- Sekonaia Vodokisolomone – 05/02/19
- Robert Kumar – 01/04/19
- Siteri Navia – 19/06/19
- Peni Tabua – 09/07/19
- Susan Serukai – 18/07/19
- Shivneel Sharma – 07/08/19

Non-Renewal of Contracts

- Shalini Prasad – 13/06/19

ACCOUNTS AND FINANCE

The ODPP has a centralized Accounts and Finance team based at the headquarters in Suva. The section is headed by Accountant, Ms Sharon Prasad and her team consists of Acting Assistant Accountant, Ms Michelle Singh, and two accounts clerks, Mr Shivneel Sharma and Mr Melvin Narayan. This section is responsible for the management of the office funds and operating expenditures. The functions include planning, organizing, accounting for and controlling the office finances. The responsibilities are accounts payable, payroll, revenue management, budget, record keeping, financial reporting and internal controls.

Below is the breakdown of Financial report.

Budget Classification

Spending

Major expenditures for the year are from the following:

- *Personal Emoluments – appointment of two new ADPPs and contract renewals with up-grades of salary*
- *Increase in overtime for established staff*
- *Wages, Overtime and Allowance (meals) – due to an increase in wages and overtime for unestablished staff (stand-by duties, early morning pick-ups for witnesses and office staff)*
- *Travel and Communications – increase in subsistence (hotel accommodation and meal claims), travel (local and overseas), payment of monthly bills for TFL, Vodafone, wi-fi and dedicated line.*
- *Incidentals – purchase of tea items and biscuits, water refills, cleaning items, first-aid items, payment for hygiene services, visa fees reimbursement, custom clearance charges and payment for security services.*
- *Purchase and repair of office equipment (office chair, visitors chair, steel cabinets, book shelves, and L-shaped table)*
- *Purchase of toners and IT Equipment and payment for purchase of server*
- *Purchase of stationery and printing of manuals*
- *Library – installation of blinds, shelves and kitchen cabinet, time machine, door access, and purchase of magazine rack, sofa set, steel cabinet and coffee table.*
- *Trainings – ODPP monthly training, monthly police prosecution workshop, Hampel training, ODPP annual conference, air fare for overseas speakers, hire of sound system and purchase of audio*
- *equipment, purchase of banner, woven bag and ID cards for ODPP Conference and payment of per diem allowance.*
- *Payment to ITEC – annual maintenance for cases software*
- *Payment for legal services*
- *Purchase of legal wear*
- *Witness Payment – court allowance, travel, accommodation and meals for both local and overseas witnesses*
- *Payment of monthly bills (EFL, TFL, Vodafone, Digicel, Unwired, CDP).*

ACCOUNTS AND FINANCE

Savings

Major savings were from SEG 1, SEG 4, SEG 5 and SEG 9. This was due to:

- existing vacant positions;
- vehicle repair and maintenance – no major repair and maintenance of vehicles;
- no major purchase of library books, law books and law reports;
- No major repair and maintenance for building;
- SEG 9 – Purchase of IT Equipment – only the server was purchased; and

- SEG 9 – purchase of generator – the office was not able to purchase the generator.

- Electronic Fund Transfer (EFT) vs – Cheques

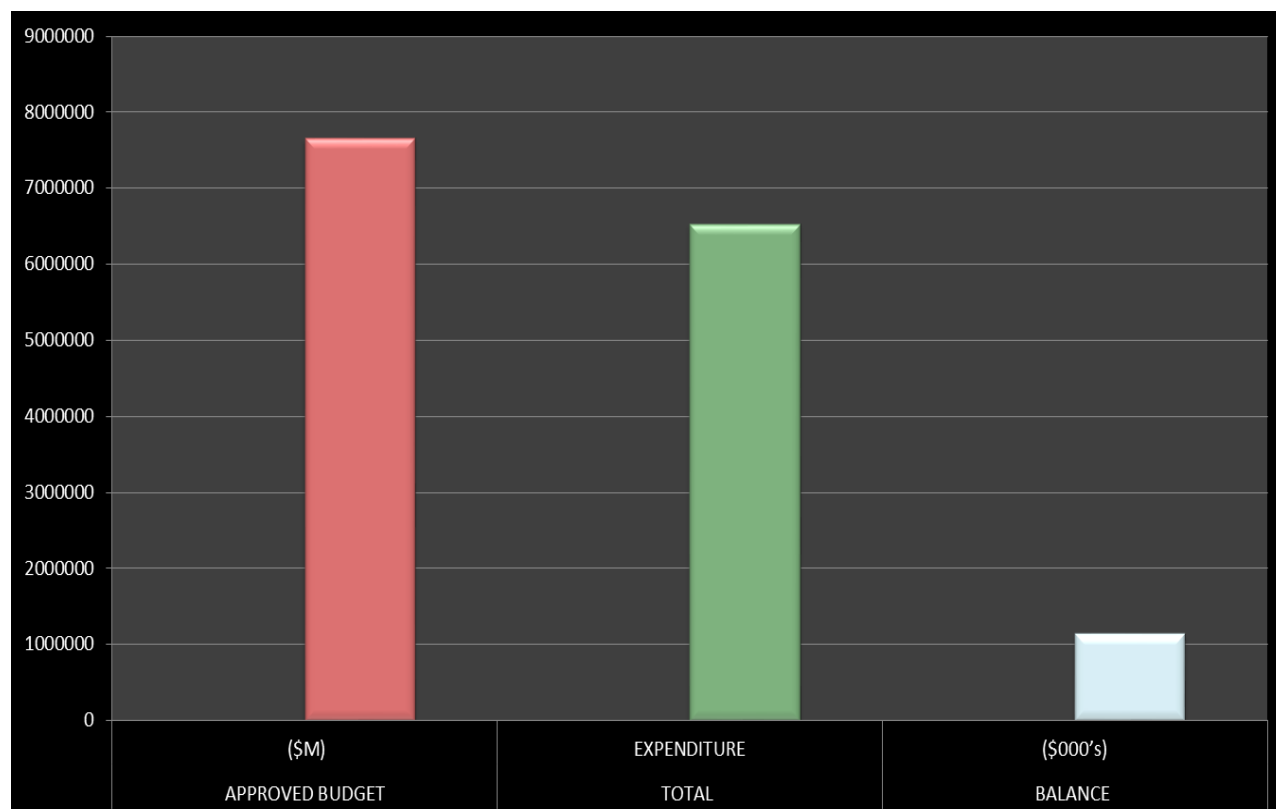
Most of the payments made during the year was via EFT. EFT has increasingly been accepted by vendors because the government has encouraged its use. However, cheques are issued in exceptional cases to avoid disruption of service.

SUMMARY OF EXPENDITURES AUGUST 2018 – JULY 2019

ALLOCATION	APPROVED BUDGET (\$M)	TOTAL EXPENDITURE (\$M)	BALANCE (\$000's)
0905 (DPP'S OFFICE)	7,654,587	6,520,139	1,134,448

ACCOUNTS AND FINANCE

APPROVED BUDGET & TOTAL EXPENDITURE FOR AUGUST 2018 TO JULY 2019



ELECTRONIC FUND TRANSFER (EFT) vs. CHEQUES

TOTAL	
CHEQUES	\$1,136,777
EFT	\$2,313,311
TOTAL PAYMENT	\$3,450,088

ODPP LIBRARY

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

The Library is allocated with its own budget, which is used to pay subscriptions for legal texts from overseas publishers and to purchase local statutes when required.

Training

Liberty National User Group Conference and Master Class

In 2019, the librarian attended the “Liberty National User Group Conference and Master Class”. This conference was hosted at Pegasus Apart Hotel in Melbourne, Australia from 8–9 August 2019. This conference was organised by Softlink Australia and focused on the new and upcoming features developed by Softlink. There

were a certain number of new fields that had been created, focusing on the liberty homepage. There were also fields for cataloguing, classification, resources, circulations and loan emails, which had also

been modified, such as a newly added filter button on the homepage that takes the user to permalinks to other pages and features. Permalinks can also be included in an information box. Other developments were stock-take applications, ability to set up unique home pages, and optional copyright module. The organisers also focused on future development, which they intend to introduce in coming years.

The conference was an opportunity to enhance knowledge on these new features and its functions, as well as how to activate and implement the same to the current Liberty version, a library management software developed by Softlink. It has advanced information management and library processing features to facilitate the needs of the library.

ODPP LIBRARY

Law Library Text Books

Three copies of “May on Criminal Evidence – 6th Edition by Steven Powles, Lydia Waine and Radmila May” was purchased from Wildy & Sons Ltd.

Annotated Laws

A copy of annotated Crimes Act, Sentencing and Penalties Act and Criminal Procedure Act was purchased from Chan Law. The same was issued to Mr Eoghn Samisoni.

Revised Laws of Fiji

ODPP has also received the service amendment Numbers 5 to 7 this year for Revised Laws of Fiji. These amendments were for all 20 volumes and for all 5 sets, which we had initially purchased. The amendments are accordingly updated by the Librarian for DPP’s set and for the Library’s set. For Lautoka, Nausori and Labasa, the procedure for updating was explained and demonstrated via Skype to Mr Ratnesh Kumar, Ms Veena Prasad and Mr Muni Deo Sharma, respectively.

Library Management Software

All textbooks received in 2019 were catalogued and catalogued data was uploaded into the Library Management System. Apart from Law textbooks, all judgments received by the Library from January-December 2019, were successfully converted into e-format and uploaded into the system. The authorities on these included the Magistrates’ court, High Court, Fiji Court of appeal and Supreme Court judgments.

Cloud Hosting for Liberty – Library Management Software

Towards the end of 2018, ODPP decided to move away from Govnet and to host Liberty (LMS) on Cloud with Softlink Australia Pty at an annual cost. The reason for this move was because, initially, liberty was being hosted on a standard PC as Govnet’s security features had rejected the software during installation. Since liberty is expected to be online 24/7, the

risk of a PC crash and losing the data was substantially high. Also, due to Govnet’s security features, it was impossible to utilise all the features in Liberty, such as Z-cataloguing.

Therefore to counter the above, during the first half of this year, we successfully completed the data migration and switched the hosting of Liberty from Govnet to Cloud. Liberty is now successfully running on Cloud and it is accessible from any PC as far as the use has the correct link and login details. The cloud hosting is facilitated by Softlink Australia, who are suppliers of Liberty.

Collection of Judgments

The ODPP library has completed indexing and sorting of all hardcopy of judgments received in the year 2018. The Library is also in the process of paginating 2017 judgments. These include Magistrates’ court, High Court, Court of Appeal and Supreme Court judgments. Once this is completed, these judgments will then be sorted and stored in alphabetical order.

ODPP LIBRARY

Date	Payee	Particulars	Amount
18/01/2019	LexisNexis Ltd	Payment for Revised Laws of Fiji Amendment- Service 5	AUD \$1110.00
13/02/2019	LexisNexis NZ Ltd	Subscription renewal for NZ Law Journal -2019	NZD \$580.00
18/02/2019	NZ Law Society	Subscription Renewal for NZ Law Talk Magazine	AUD \$169.40
16/04/2019	LexisNexis Aust. Ltd	Payment for Revised Laws of Fiji Amendment- Service 6	USD \$300.00
28/06/2019	Softlink Aust. Pty Ltd	Liberty Support and Maintenance	AUD \$1660.37
28/06/2019	ICLRQ	Queensland Report – 2019 Vol. 1,2 & 3	AUD \$198.00
10/09/2019	LexisNexis Ltd	Payment for Revised Laws of Fiji Amendment – Service 7	AUD \$904.55
04/11/2019	Economist Subscription Centre	Economist Newspaper	USD \$439.00
13/12/2019	LexisNexis	Subscription renewal for NZ Law Journal - 2020	NZD \$ 890.00
23/12/2019	Softlink Aust.	Cloud Hosting for Liberty Software	AUD \$2089.00

Library Requests

Along with acquiring and updating library resources, the Library also ensures that all daily library requests, including searching case laws (local and overseas), legal research, photocopying, binding and preparing disclosures for filing, are completed and provided to the requesting officer on time.

Relocation of ODPP Library

ODPP library was relocated to Lomanikoro House. It is the same building that was once occupied by our Administration and Accounts sections. This was to provide the Library with a larger space, to allow the Library to update collections with the latest editions and, at the same time, to add some new titles.

Shifting and setting up of the new library began towards the end of last quarter and was completed in 2019.

The new ODPP library setup has:

- *custom built shelves;*
- *research facilities – seven research tables are available for legal officer(s) to conduct their research;*
- *laptops – all seven research tables have a laptop each. These laptops have Library Management Software downloaded to assist officer(s) in their research work;*
- *internet connections – a separate wifi is available on these laptops;*
- *magazine rack – all latest magazines and Newspapers are displayed in this area for easy retrieval; and*
- *a library storage area.*

ODPP LIBRARY



The new ODPP Library located at the old Lomanikoro building across from Gunu House.



ODPP Librarian Ziad Hussein inside the new library at the Lomanikoro Building.

ODPP REGISTRY

Team

The ODPP registry Suva is headed by Ms Kiran Singh who was assisted by Shalen Kumar and Susana Vuniani, Malini Rekha and Mere Makitalena.

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 works to improve its service delivery by updating and refining its filing systems and by improving its use of technology. Each divisional and district registry has an officer assigned who is responsible for the smooth

running of the registry.

The ODPP Registry is based on the middle floor at ODPP Headquarters and headed by Ms Kiran Lata Singh who was assisted by four other staff. The divisional offices also have people trained to perform registry tasks. Some staff in the registry have experience of how judiciary operates, which is an advantage and makes the work of registry easy. It also gives us an idea as to how to design our registry policies and procedures so that our work makes the work of legal officers easier.

Core Functions

The Registry is responsible for:

- *receiving notice from Court, police dockets from Police and submissions from law firms;*

- *data entry of relevant details from police dockets and notices, and opening of physical files;*
- *dispatching received documents to the officer in carriage;*
- *filing and serving of documents to law firms and prisons;*
- *preparation of the daily cause list with legal officer's names labelled;*
- *closing of physical files and returning police dockets;*
- *storing closed files;*
- *liaising with National Archives of Fiji and sending closed files to them for proper storage;*
- *Preparing court records for appeal matters;*
- *liaising with Police in order to serve notice of appeal to respondents who are out of prison;*
- *preparing court clearance for officers who wish to travel overseas; and*
- *assisting legal officers in compiling disclosures and submissions.*

ODPP REGISTRY

Specific times are allocated for the filing of documents, deliveries made by drivers, or dispatchments particularly to the Sexual Crimes Division based at Goodenough Street, Suva. The Registry team works efficiently to ensure documents are transmitted and filed within those assigned times.

- **Court filing time: 9:00 am and 2:00 pm [or when required for urgent matters].**
- **Drivers dispatch: 10:30 am and 3:00 pm [or when required for urgent matters].**
- **SCD Dispatch: [8:30 am and 2:30 pm [or when required for urgent matters].**

Criminal Advocacy Support and Enquiry System (CASES) Management System

The ODPP Registry keeps a record management system called CASES. 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 in it, and allows State Counsel to update their mat-

ters for record-keeping and efficient-tracking purposes; it 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.

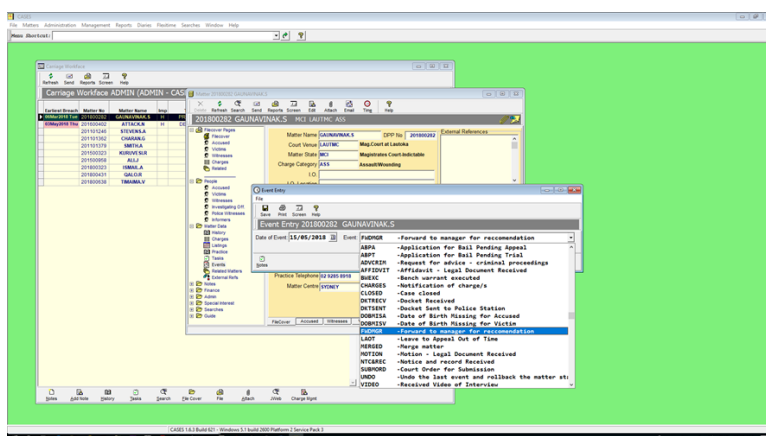
There are certain steps which Registry must follow from opening files to allocation of files.

Upon receipt of a docket or notice, a thorough check has to be made in the database to determine whether there are any related matters already being prosecuted in Court. If so, this crucial piece of information has to be relayed to the ADPP and the officer in carriage.

Details of dockets and notices are entered in the database, relevant documents, such as charge sheets, birth certificates, death certificates and summary of facts are scanned and attached on CASES.

Allocation minutes are written to the ADPP.

- The file is given for allocation.
- Allocation is changed in CASES.



Sample of CASES taskbar

ODPP REGISTRY

There are different colours of files used by Registry to open a physical file.

- *Red is used for the substantive matters or the criminal matters.*
- *Blue is used when an accused is a police officer.*
- *Yellow is used for bail matters or for forfeiture applications.*
- *Green is used for appeal matters.*
- *Brown is used when we receive documents from the Ministry of Health, Ministry of Lands, Ministry of Labour and Ministry of Forestry, seeking advice.*

The filing system used by the registry makes it easier to locate closed files. Even without going through the closed file, it is easier to know where Registry had dispatched the police dockets to, the date, and the name of the police officer who actually received the docket. This is simply because docket movement is recorded on CASES by the Registry and the docket return letter where the receiver signs is scanned and attached in CASES. This system not only assists ODPP staff, but it also assists Police as they get served in a timely and efficient manner when it comes to tracking the movement of any given docket.

In 2019, ODPP Registry had packed files for the years 2008-2010 in the archival

cartons, according to the standards of the National Archives of Fiji. These files are ready to be taken to the Archives for safe storage; however, due to the space capacity at the National Archives of Fiji, files needed to be stored in our own storage room at Mitchell Street.

In order to keep track of exhibits returned to Police after a trial, Registry uses a register to record items returned to Police, and a photograph of each item is taken. After exhibits are returned, the register is then scanned and attached to CASES for easy reference. The same register is used to return cell books, station diaries and meal books for the prisoners.

In 2019, Suva Registry had opened 1041 files and closed 1127 files.



The Registry Team (L-R) Shalen Kumar, Susana Vuniani, Manager Kiran Singh, Malini Rekha and Mere Makitalena.

ODPP IT

Team

Mr Rajnesh Narayan joined the ODPP in April 2019 as Senior Systems Analyst. He was assisted by Computer Operator Mr Amitesh Prasad.

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

The IT section provides a secure, highly reliable technological infrastructure along with a high-quality service and support system for staff at the ODPP. The IT team facilitated all Skype conference calls between the ODPP offices across the country during the professional officers' Talanoa Sessions, and during meetings.

The IT section is also responsible for the management of training videos and the

maintenance of CASES, as well as for IT-related purchases and maintenance.

Server

PowerEdge server with Eaton UPS and Rack, costing \$31,701.84, was purchased from Datec as per the ITC tender award. The server increased storage capacity, processing power and replaced the existing server. This server had CASES application software installed and increased staff shared drive space.

Multifunctional Mono Photocopier

The ODPP purchased three multifunctional photocopiers for the newly relocated Library, Suva Registry and Nausori Office. The Konica Minolta Bizhub558 photocopiers were purchased as per the ITC tender award at a total price of \$28,135.80. There was a necessity to buy new machines as the old machines had been in continuous use for over five years and retaining and running these machines would have resulted in recurring problems due to deteriorating parts and would have incurred considerable costs.



The ODPP Senior Systems Analyst, Rajnesh Narayan.

ODPP IT

Multifunctional Printers

Colour Multifunctional printers were purchased as replacements and new assignments to the admin staff and legal officers. The total cost for procuring four printers was \$4,596.

Laptops

The ODPP purchased 26 laptops costing \$57,269.72. Laptops were purchased for Library user's, new staff, and replacements for old laptops.

External Hard Drives

13 External Hard drives were purchased and deployed to Nadi, Ba, Savusavu and Labasa, as well as the Suva admin office for backup purposes. The other hard disks were kept for server backup and recovery disk. Total cost of purchase was \$3,107.

ICT Accessories

ODPP purchased ICT accessories and devices, such as a LAN tester, impact and punch down tool, external DVD drives, laptop bags, and Bluetooth speakers. Toolkit, headsets, USB hubs, switches, data retriever, HDMI cable, computer monitors and network accessories were also purchased.

Blank DVD's for Court Disclosures

Fifteen packs of blank DVDs, costing \$900, were purchased for use in Court Disclosures.

Sound Systems

The sound systems comprising Yamaha mixer, speakers, stands and Audio Technica wireless receiver with mics, and audio cable microphones, costing \$9,995, were purchased for use during the monthly work-

shops, police prosecution training, DPP conference and other ODPP training programmes.

Alarm system/ Door Access

Alarm system and door access were installed for ODPP Library at Lomanikoro House and Storage Facility at Mitchell Street.

Projectors and PowerPoint Presenters

Three Projectors, costing \$3,724, were purchased for use in training sessions, Skype and Court sessions. Four PowerPoint presenters, costing \$297, were also purchased for use in training sessions and workshops.

Uninterruptible Power Supply [UPS]

Eleven UPS, costing \$3,850, were purchased and installed for desktop computers, the server and network switch for protection against power surges and power cuts.

Wireless Keyboard and Mouse

Most ODPP officers are 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, additional 15 wireless keyboards and mice, costing \$1,065, were purchased.

Time (sign In & Out) Machine

Time machines were purchased for ODPP Headquarters and Ba Office. These Time machines cost \$1,590 and were purchased as replacements for existing written off machines.

ODPP MEDIA

Core Functions

- *Providing quality information service*
- *Writing and editing media releases, in-house newsletters, brochures, other publications*
- *Contributing to the development and the design of the Annual Report*
- *Accurate reporting of progress on cases*
- *Responding to queries from individuals, journalists and other organisations*
- *Maintaining and updating the ODPP website*
- *Updating the ODPP Wikipedia page with reliable information*
- *Analysing media reports, collating articles of interest to the office for follow-up action*
- *ODPP official photographer.*

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.

The ODPP also acknowledges that the public's interest in information must be balanced against the need to maintain the integrity of the criminal process. Hence, the ODPP, through its Media Liaison Officer (MLO), diligently strives to assist the public in understanding how the criminal justice system works and, specifically, the role of the DPP within it.

Through its MLO, Ms Farisha Ahmed, the ODPP assists the public and media organisations in their reporting of court proceedings by providing media updates and press statements when needed. However, the type and nature of information released is dependent upon the stage and nature of the proceedings being commented on, and whether they are subject to any legal prohibition or competing public interest.



ODPP Media Liaison Officer, Ms Farisha Ahmed.

ODPP MEDIA

Media Updates

A total of 65 media updates were released in 2019, including the monthly sexual and non-sexual offences statistics. The updates were released on request and as directed by the DPP, or if there was heightened media attention, as well as public interest.

However, the type and nature of information released was dependent upon the stage and nature of the proceedings and whether they were subject to any legal prohibition.

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.

Press Releases

A total of 11 press releases were issued in 2019. These press releases depended on the urgency of court cases, charges laid or sanctioned by the DPP, as well as important events and updates that were of public interest.

ODPP Statistics

The ODPP continued to release monthly sexual and non-sexual offences statistics.

These statistics were recorded by the DPP and forwarded to the MLO at the beginning of each month. These statistics also includ-

ed offences committed by police officers.

Each time the DPP signs an Information (Indictment), he records details, such as the charges, number of counts, the type of offence, the location, the sex of the offender, as well as the victim and other details relating to the case; however, the details released are prioritised on the seriousness and public interest of each case. The MLO compiles the information from the raw data into a narrative and tabular format, following the previous years' precedent. The statistics are tabulated and issued to the media and general public at the beginning of each month through the ODPP Twitter feed and are simultaneously uploaded to the ODPP website.

There were requests for desegregated data, including gender ethnicity and location-based data, which was provided after DPP's approval to the Ministry of Women and Children, as well as Ministry of i-Taukei Affairs. These statistics were used by the Ministers during their parliamentary speeches, as well as during the awareness campaign.

ODPP MEDIA

Media Monitor

The MLO monitors news articles on a daily basis to ensure that media organisations accurately report court proceedings and information released from the ODPP. The ODPP receives updates on news stories, local and overseas, through the Department of Information media output that collects and disseminates news stories 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 there has been accurate reporting in relation to the organisation and court proceedings.

Corrections Sought from Media Organisations

A total of six corrections were sought from media organisations in 2019 through the ODPP official letters. These corrections were sought from the Fiji Times, the Fiji Sun, Radio New Zealand, the Fiji Broadcasting Corporation (FBC) and four from Fiji Village. The print media are expected to correct their mistakes in the next day's publication through an apology or in their 'Letters to the Editor' section. Verbal corrections are mainly sought for online publication whereby organisations, such as Fiji Village and FBC are requested to immediately correct the errors.

Website Maintenance

The MLO is also assigned to update the ODPP website. Google analytics is used on a

quarterly basis to check traffic flow to determine the usage of the website. The MLO also uploads all media updates, press releases and monthly statistics on the website.

Social Media

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

Annual Report

The MLO is responsible for collating all the quarterly reports and compiling the Annual report. The design and layout is approved by the DPP. After receiving all the quarterly reports from Divisional Managers, the MLO compiles the Annual Report and forwards it to the DPP for review and approval.

Photography

The MLO is responsible for taking all ODPP-related pictures. The MLO takes pictures during official events, as well as at social events. The major challenge for the MLO in 2019 was the DPP Annual Conference, which was reintroduced after some time. The two-day event required the MLO to capture pictures of all speakers, as well as participants during the official function, as well as during the social function. These pictures are also uploaded to the ODPP website.

ODPP TRANSCRIPTION UNIT

The ODPP Transcription Unit was established in 2017 and has since seen Transcriber, Ms Akanisi Vosanibola, translate and transcribe all digitally recorded police interviews from the vernacular language into English. This was done as part of the formal record of interview and for serving the defence.

By providing high-quality accurate transcripts of caution interviews to the court and the defence, the ODPP creates greater transparency in the criminal justice process and, hopefully, minimises the number of

challenges with police interviews in court.

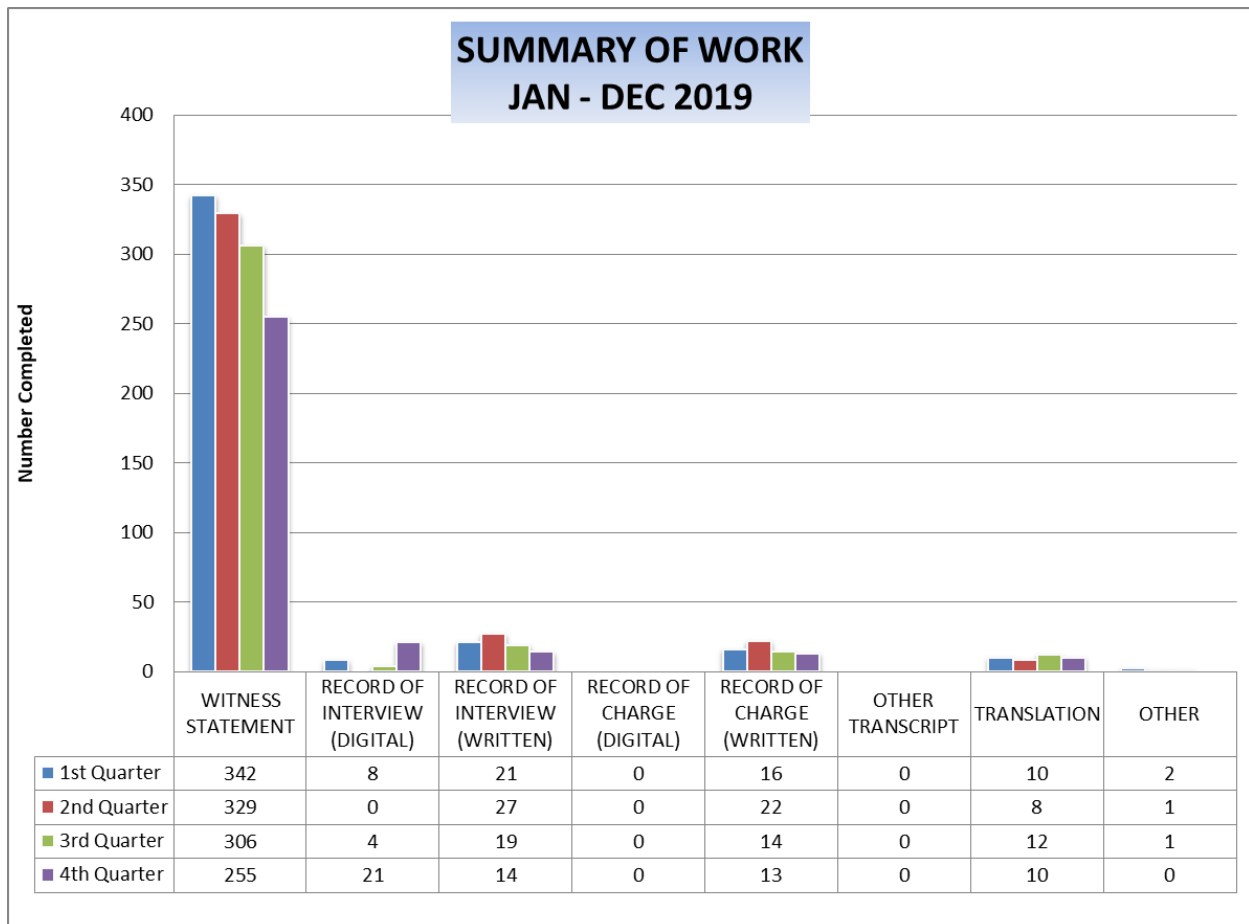
Ms Vosanibola received various training sessions conducted by the United Nations Development Programme's Access to Justice and Rule of Law. The UNDP also assisted the ODPP by providing specialised transcription devices and software to make the transcription process easier and faster.



ODPP Transcriber, Akanisi Vosanibola.

ODPP TRANSCRIPTION UNIT

Year in Review



	WITNESS STATEMENT	RECORD OF INTERVIEW (DIGITAL)	RECORD OF INTERVIEW (WRITTEN)	RECORD OF CHARGE (DIGITAL)	RECORD OF CHARGE (WRITTEN)	OTHER TRANSCRIPT	TRANSLATION	OTHER	Grand Total
1 st QTR	342	8	21	0	16	0	10	2	399
2 nd QTR	329	0	27	0	22	0	8	1	387
3 rd QTR	306	4	19	0	14	0	12	1	356
4 th QTR	255	21	14	0	13	0	11	0	313
TOTAL	1232	33	81	0	65	0	41	4	1455

ODPP TRANSCRIPTION UNIT

Year in Review

Record of Inter-view	Record of Charge	Witness State-ment	Tran-script	Letter	TOTAL
16	12	03	03	07	41

Total Translation (41) Other

- Received a Medical Report on 14 Jan 2019, from LO Swastika Sharma to be typed.
- Received an Appellant's Submission on 20 Mar 2019, from ADPP Mosese Korovou, to be typed.
- Received 1 Record of Interview on 1 Apr 2019 from, LO Swastika Sharma, to confirm accuracy of translation.
- Received 1 Confession Statement on 5 Sept 2019, from LO Neelraj Sharma, to be typed.

SUMMARY OF VIDEO RECORDED CAUTION INTERVIEWS RECEIVED AS AT 31 DECEMBER 2019

Month	Number Of Case Files	Number Of Accused	Number Of Videos/ Tran-scripts	Number Of Translations	Status
January	0	0	0	0	Nil
February	1	1	1	0	COMPLETE
March	1	1	7	1	COMPLETE
April	0	0	0	0	Nil
May	0	0	0	0	Nil
June	0	0	0	0	Nil
July	0	0	0	0	Nil
August	1	1	4	0	COMPLETE
September	0	0	0	0	Nil
October	0	0	0	0	Nil
November	0	0	0	0	Nil
December	2	3	21	1	COMPLETE
TOTAL	5	6	33	2	COMPLETE

TRAINING AND PROFESSIONAL DEVELOPMENT

Training in the DPP's office has been one of the key priorities to help support the professional development of its staff especially to our state Counsels. The impact of training is seen in the quality of their work and mentoring of the new officers who join the organization.

Training programmes will incorporate the development of soft skills of lawyers which is their communication skills, professionalism,

and leadership, team work, networking and serving with honesty.

Training team:

SAO – Nunia Bogi

AO – Kuini Radrodro

CO – Shinal Maharaj

As always officers attended training locally and overseas and training attended is detailed below:

Overseas Training & Workshops - 2019

Who	Where
Legal Officer, Prenika Lata	Strengthening International Cyber Investigations in the Commonwealth Electronic Evidence Contact Points ,Sydney, Australia from 19th -20 th March 2019.
Senior Legal Officer, Mehzabeen Khan	APG Assessor Training, Auckland, New Zealand from 11-15 March 2019.
Principal Legal Officer, Pauline Madanavosa	US international Visitor Program: US Judicial System - Protecting Women & Children Washington, USA from 6-24 May 2019.
Librarian Ziad Hussein	Liberty National User Conference - Melbourne, Australia from 7-9 August 2019.
DPP and Principal Legal Officer, Jayneeta Prasad-	APG Annual Meeting - Canberra, Australia from 18-23 August 2019.
DPP, Legal Officers, Eoghn Samisoni, Sujata Lodhia, Bhavna Khantaria	International Symposium on Economic Crimes, UK from 1-8 September 2019.
Principal Legal Officer, Juleen Fatiaki and Legal Officer, Saini Naibe	IAP Buenos Aires Argentina from 15 - 19 September 2019.
Director of Public Prosecutions, Christopher Pryde	Expert Working Group on Electronic Evidence Meeting, Marlborough House, London, from 10-11 September 2019.
Legal Officer, Saif Shah	INTERPOL Anti-Corruption and Asset Recovery Global Conference Medellin, Colombia from 18-20 November 2019.
Senior Legal Officer, Kimberly Semisi	Post Graduate Certificate in Corruption Studies Hong Kong from 5-28 November 2019.

TRAINING AND PROFESSIONAL DEVELOPMENT

Local Training and Workshops

- Prosecutors training was also held every second Saturday of every month throughout 2019 in all divisions, facilitated by PLO Yogesh Prasad as well as legal officers
- ODPP monthly training was held on the last Friday of every month.
- FHRI Conference was attended by DHR, A/DHR and SAO(T), 18-19 October at Sofitel Fiji.
- Workplace Leadership Course was attended by PLO Semi Babitu in Lautoka and PLO Darshni Kumar in Suva.

Prosecutors Course

- *Basic Prosecution Course – 6 weeks – 4 February–16 March 2019*
- *Advanced Prosecution Course – 6 weeks – 1 July–9 August 2019*
- *Basic Regulators Course – 4 weeks – 1 April–26 April 2019*

A total of 30 police and summary prosecutors went through the Basic and Advanced Prosecution Course and total of 34 statutory regulators from government ministries and departments. These courses were facilitated by Principal Legal Officer, Yogesh Prasad.



Participants of the Basic and Advanced Prosecutions for Police and statutory regulators in 2019.

TRAINING AND PROFESSIONAL DEVELOPMENT

Professional Officers “Talanoa” Sessions (POTS)

These sessions were conducted on weekly basis on Fridays; however, from 2019, POTS were held every fortnight. For every other week when POTS were not held, the legal officers were required to update the CASES management system, as well as close their files. The last Friday of every month was for the ODPP monthly training. These sessions were held in the ODPP board room and other ODPP divisions participated through skype.

In these sessions, professional staff usually discussed matters and issues in relation to their daily experience, especially in court.

Also in these sessions, the legal staff were able to get clarification from the DPP and

ADPPs on matters and issues that they were facing or having problems with. The DPP updated the team on any relevant and important administrative issues from corporate Division.

ODPP Conference

In 2019, the DPP, Mr Christopher Pryde revived the ODPP conference. The ODPP conference was held at the Pearl Resort, Pacific Harbour on 21st and 22nd June 2019. There were 120 participants which included Deputy Commissioner of Police, Permanent Secretaries, senior civil servants, members of the judiciary, non-government organisations, members of the Fiji Police Force, as well as police prosecutors, and officers of the ODPP and the Legal Aid Commission.



Participants during the 2019 ODPP Conference at the Pearl Resort & Spa, Pacific Harbour.

YEAR IN PICTURES



ODPP Sports and Social Committee events (Easter, Eid, Diwali, Fiji Day, Sports Day and Christmas celebrations) 2019.

YEAR IN PICTURES



ODPP Annual Prosecution Conference 2019– Day 1.

YEAR IN PICTURES



ODPP Annual Prosecution Conference 2019- Day 1 evening cocktail.

YEAR IN PICTURES



ODPP Annual Prosecution Conference 2019-Day 2.

YEAR IN PICTURES



ODPP Annual Prosecution Conference 2019-Day 2 Dinner.

YEAR IN PICTURES



ODPP concluded 2019 with an Annual Black Tie Dinner and Awards Night at the Eden Restaurant.

Comments and enquiries should be addressed to:

The Office of the Director of Public Prosecutions

P.O Box 2355, Government Buildings,

Suva, Fiji

Attention: The Director of Public Prosecutions

Telephone: (+679) 3211 234

Facsimile: (+679) 3302 780

or

Attention: Director Human Resources and Corporate Services

Telephone: (+679) 3211 550

Facsimile: (+679) 3317 243

