

ODPP MEDIA UPDATE

ODPP files appeal against former AG and SOE acquittals

The Acting Director of Public Prosecutions, Ms Nancy Tikoisuva, has filed an appeal against the acquittals of the former Attorney General Aiyaz Sayed-Khaiyum and the former Supervisor of Elections Mohammed Saneem.

Aiyaz Sayed-Khaiyum was charged with one count of abuse of office while Mohammed Saneem was charged with one count of receiving a corrupt benefit

It was alleged that Aiyaz Sayed-Khaiyum between June 30th and July 21 in 2022, whilst being the Acting Prime Minister and as Chair of Constitutional Offices Commission executed a second a Deed of Variation and Addendum between the Government and the then Supervisor of Elections, Mohammed Saneem agreeing to pay or waive the additional deductible taxes arising out of his back pay processed under the first Deed of Variation dated 30 June 2022 without the proper approval of President of Fiji or the Constitutional Offices Commission in accordance with section 136 of Fiji's Constitution.

It was alleged that between the 1st of June 2022 and the 31st of July 2022, while being employed as the Supervisor of Elections, Mohammed Saneem without lawful authority and reasonable excuse, asked for, and obtained a benefit for himself, that is, the approval and payment/waiver of tax of more than \$55,000 from Aiyaz Sayed-Khaiyum, the Acting PM and Chair of Constitutional Office Commission pursuant to the second deed without the approval of the President of Fiji or the Constitutional Offices Commission in accordance with section 136 of Fiji's Constitution.

In delivering his judgment on Friday (26.6.26), Chief Justice Salesi Temo found the former Attorney General and the former Supervisor of Elections not guilty and acquitted them accordingly.

The State has filed 10 grounds of appeal against the acquittal. In essence, the State argues that the learned trial judge erred in law by treating the validity of the government contract with the Supervisor of Elections as the central issue, contrary to the State's allegations and the particulars of the offences. The State also contends that the entire judgment failed to adequately assess and analyse the substantial evidence presented against both the respondents, resulting in their erroneous acquittal.

The State is seeking to have the acquittal set aside and convictions entered against both the respondents.

The Notice of Appeal was filed in the Court of Appeal registry and served to the parties yesterday (30.6.26).