



Prosecution of Major General Sitiveni Rabuka in Fiji

3 November 2006

Senior Crown Prosecutor Mark Tedeschi QC will conduct the prosecution of Major General Sitiveni Rabuka in Suva, Fiji, from November 6. This follows an agreement between the Fijian Government and the NSW Director of Public Prosecutions.

Major General Rabuka is alleged to have incited senior military officers to remove the Commissioner of Armed Forces. He has been charged with two counts of attempting to incite a mutinous act. The maximum sentence for a conviction on this charge is life imprisonment.

The matter will be heard before Justice Gerard Winter in the High Court in Suva.

The Fijian Office of the Director of Public Prosecutions is an independent prosecuting agency. The Fijian DPP, Josaiah Naigulevu, has sought an Australian Crown Prosecutor for this matter to ensure there is no question of even an appearance political influence in the prosecution.

Mark Tedeschi QC has been appointed a State Counsel in the Republic of the Fiji Islands, which entitles him to prosecute on behalf of the Fijian DPP.

The assistance offered by the NSW DPP is actively supported by NSW Attorney General Bob Debus.

The Fijian legal system is based on the British system with some notable differences. Instead of twelve jurors, matters are heard by a Judge and five assessors - members of the public who make a recommendation to the Judge with a majority vote. The Judge makes the final decision as to whether the prosecution has made its case. The Judge can depart from the recommendations of the assessors but must state the reasons for doing so.

The expected duration of the trial is between two and three weeks.