

The finances available for prosecutions are finite and should not be wasted prosecuting inappropriate cases, thereby reducing the resources available to prosecute worthy cases. Similarly, the cost to an accused person to defend a prosecution can be high; impacting upon the person financially, emotionally and causing irreparable damage to the person's reputation. It is therefore inappropriate to prosecute a person or persons when there is no reasonable prospect of conviction.

In making the decision to prosecute the prosecutor must consider the following.

1. **Does the admissible evidence available establish each element of the offence?**
2. **Is there a reasonable prospect of conviction?**
3. **Are there discretionary factors that dictate whether the matter should or should not proceed in the public interest?**
4. **A decision whether or not to proceed must not be influenced by:**
 - (a) the race, religion, sex, national origin, social affiliation or political associations
 - (b) personal feelings of the prosecutor concerning the offence, the alleged offender or a victim; and
 - (c) possible political advantage or disadvantage to the government or any political party, group or individual.



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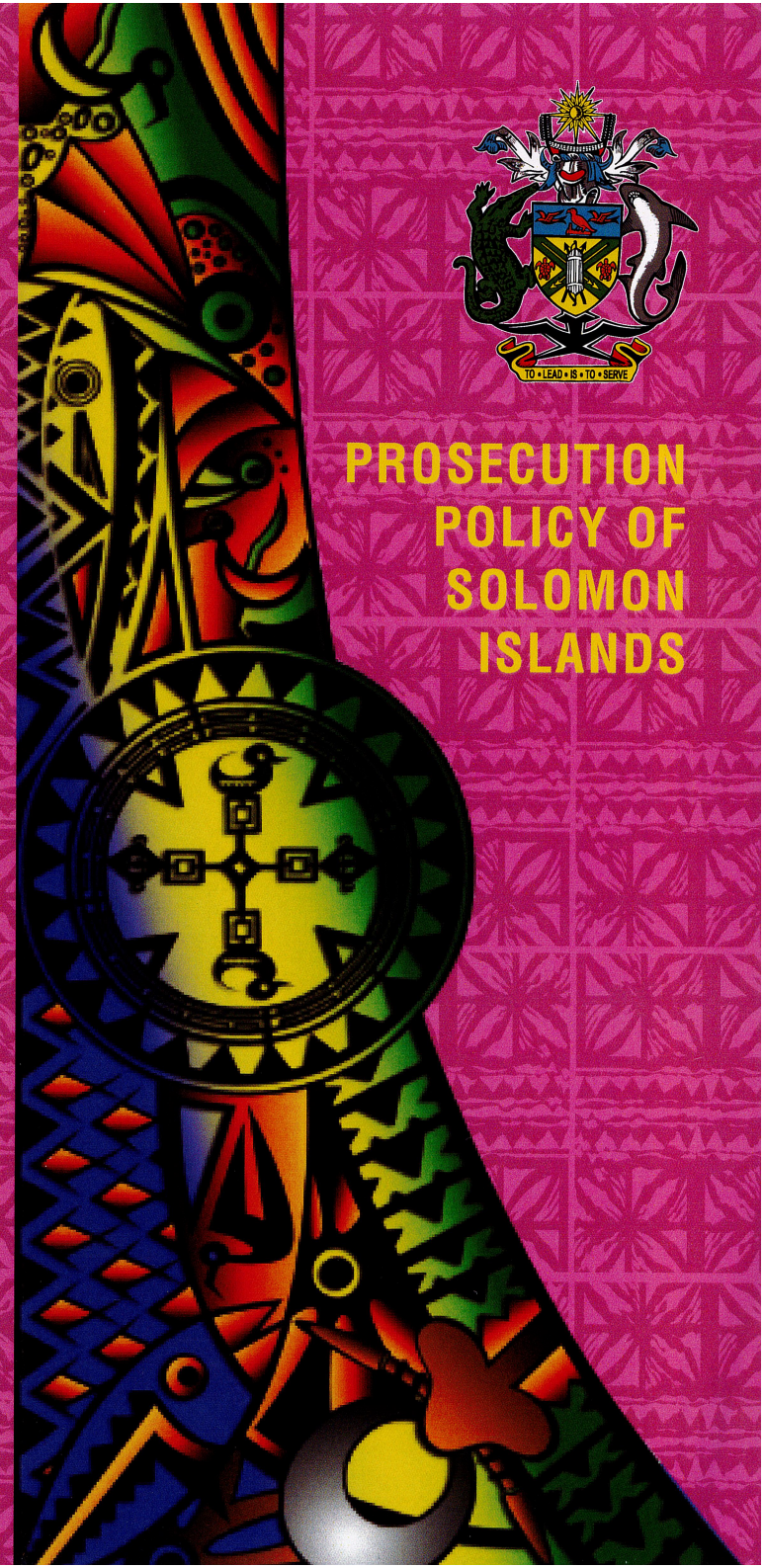
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This small booklet is part of the 7 booklets that provide information to help you understand how the justice system works in Solomon Islands.

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PROSECUTION POLICY OF SOLOMON ISLANDS



OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

VISION

A SAFE AND JUST SOLOMON ISLANDS SUPPORTED BY A CONSTITUTIONALLY INDEPENDENT PUBLIC PROSECUTION SERVICE UNDER THE RULE OF LAW.

MISSION

DELIVERING AN INDEPENDENT, FAIR AND EFFECTIVE PROSECUTION SERVICE.

VALUES

The office of the Director of Public Prosecutions (ODPP) values are:

- (a) Independence
- (b) Accountability
- (c) Respect
- (d) Ethical with Integrity
- (e) Efficiency

WHAT IS PROSECUTION POLICY?

The ODPP has a Prosecution Policy, which is a booklet that contains the general principles upon which the Office of the Director of Public Prosecutions operates.

It encapsulates principles of transparency, accountability, fairness and the public interest which guides the general operation of the prosecution agency.

It affirms the prosecution vision, mission and values.

The work to create it commenced in 2006 and was completed in 2009 by prosecution advisers

and local prosecutors.

The Policy was launched in May 2009 and took effect from immediately. A copy can be obtained from any of our offices in Honiara, Auki or Gizo.

PURPOSE OF THE PROSECUTION POLICY

- To outline the principles upon which decisions are made by the Director and the overall conduct of prosecutions.
- To assist officers in the ODPP in the assessment and conduct of individual matters.
- To promote consistency and fairness exercised in decision makings by providing standard set of principles.
- To inform the public of the principles upon which decisions are made in accordance with the obligations of transparency and accountability.

THE ROLE OF THE PROSECUTOR

1. A prosecutor is a “minister of justice”. The prosecutor’s principal role is to assist the Court to arrive at the truth and to do justice between the community and the accused according to law and the dictates of fairness.

2. Every prosecutor has the duty to ensure that the right person is prosecuted for the right offence and that the Court is given all relevant evidence in each case.

3. A prosecutor is not entitled to act as if representing private interests in litigation. A prosecutor represents the community and not any individual or sectional interest. A prosecutor acts independently, yet in the general public interest.

4. A prosecutor must be fair, independent and objective. He/she must not be influenced by racial, gender, religious or political views or beliefs. He/

she must never be affected by improper or undue pressure from any source.

5. It is the duty of every prosecutor to advise and review the evidence, ensuring that the law is properly applied. All obligations of disclosure must be adhered to.

6. The prosecutor must be sensitive to the interests and needs of the victims of crime. The manner in which the prosecuting authority treats the victims of crime is a measure not only of its efficacy, but also of its humanity.

7. The prosecutor must endeavour to treat victims with courtesy and respect, keep victims informed of the progress of the case, have the victim’s views considered by the prosecutors and investigators, and respect the victim’s privacy and confidentiality.

8. The prosecutor must always act in the interests of justice, not principally for the purpose of obtaining a conviction.

The DPP is the only person vested with power in Solomon Islands to prosecute on behalf of the government and people of Solomon Islands. The DPP appoints Prosecutors to do that role.

The decision to prosecute is not treated lightly by the ODPP. The office has set out in its Prosecution Policy how that decision is made.

THE DECISION TO PROSECUTE

The decision to prosecute is the most important step in the prosecution process. Not everyone suspected or alleged to have committed a crime will be prosecuted.

When there is no reasonable prospect of conviction no charges will be laid against any one.