

# 3<sup>rd</sup> National Anti-Money Laundering Conference

## *Prosecuting Money Laundering Crimes*

9 November 2011  
Holiday Inn, Suva

- TOPIC:** **Challenges in Prosecuting Money Laundering Crimes**
- Speaker:** **Madam Ayesha Jinasena**
- Position:** **Director of Public Prosecutions**
- Organisation:** **Office of the Director of Public Prosecutions**



# CHALLENGES IN PROSECUTING MONEY LAUNDERING CRIMES

Ayesha Jinasena

Director of Public Prosecutions

ISSUES , OBSERVATIONS  
&  
RECOMMENDATIONS

# INTENTION OF THE LEGISLATURE -V- RIGHTS OF THE INDIVIDUALS

- To provide for **confiscation** of the proceeds of crime, To **deprive persons** of the proceeds, benefits & properties derived from the commission of serious offences and To **assist Law Enforcement Authorities** in tracing the proceeds, benefits & properties and For **related matters**

# PENAL PROVISIONS

- The Legislature had viewed the offences to be serious thus, both natural persons and body corporate have been made liable for punishment
- Provision for severe sentencing
- Fiji's legal framework is strong by international standards.
- Amendment brought in 2005 to sec 69 has widened the offence and made it stronger

# SOME OF THE CHALLENGERS FOR THE PROSECUTORS

- Prosecutors function as the shock-absorbers
- Sophisticated crimes –v- traditional investigations
- Powerful statutory provisions –v- minimum workforce
- Advanced criminals –v- lack of awareness
- Cautioned interview –v- Independent Evidence

# FACTORS CONTRIBUTING TO DELAY

- Non availability of witnesses
- Non availability of exhibits
- Non-execution of summons on witnesses
- Any delay to which the accused has not contributed is favorably considered by the trial court at the time of sentencing

# CONDUCT OF ACCUSED

- Non appearance - Long periods of postponements, withdrawal of charges/information
- Abscond when the trial commences – Turtle Island
- Absence of interest in the case – failure to obtain legal representations due to lack of interest



# UNITED WE STAND- DIVIDED WE FALL

- Team work between inter-agencies
- Absence of co-operation between different stake holders
- Lack of consistency

# MUTUAL ASSISTANCE

- Investigations to be carried out abroad
- Witnesses to be got down from abroad
- restraining property or proceeds without delay

*Thank you!*