

IN THE HIGH COURT OF FIJI
AT SUVA
CRIMINAL JURISDICTION

Criminal Case No.005 of 2012

BETWEEN : STATE

AND : PITA RAGOLEA DRITI

BEFORE : THE HON. JUSTICE PAUL MADIGAN

Counsel : Mrs. A. Campbell-Moffat S.C.
with Messrs J . Remedios and M. Korovou
for the State
Mr. F. Vosarogo for the Accused.

Dates of hearing: 18-22, 25 November 2013
Date of Judgment: 26 November 2013

JUDGMENT

1. PITA RAGOLEA DRITI, you have been charged with the following offences:

First Count

Statement of the Offence

Inciting to Mutiny: Contrary to section 72(1) (a) of the Crimes Decree 44 of 2009.

Particulars of Offence

PITA RAGOLEA DRITI between the 1st day of August 2010 to 31st day of October 2010 at Suva in the Central Division knowing that Manasa Ralawa Tagicakibau is serving in the Republic of Fiji Military forces, attempted to seduce Manasa Ralawa Tagicakibau from his duty and allegiance to Fiji.

Second Count (In the Alternative)

Statement of the Offence

Seditious Offences: Contrary to section 66(1) (i) and section 67(1) (b) of the Crimes Decree No. 44 of 2009.

Particulars of Offence

PITA RAGOLEA DRITI between the 1st day of August 2010 and 31st day of October 2010 at Suva in the Central Division uttered seditious words wherein **PITA RAGOLEA DRITI** stated words to the effect of “AG should be removed for he is influential in a lot of critical decisions which is deemed to mooring the Government away from its chartered course” and/or that “the Commander RFMF no longer have the leadership anointment and he has lost credibility and Commander RFMF needs to be removed from his position” and/or that “if His Excellency the President refused to accept the proposal then there is no other option but to remove His Excellency”, in the presence of Manasa Ralawa Tagicakibau and, thereby intended to bring hatred or contempt or to excite disaffection against the Government of Fiji.

2. In the unanimous opinion of three assessors you have been found not guilty of both charges.
3. I have analysed the evidence and directed myself on my own summing up. The strength of the prosecution case is found in Major Tagicakibau’s evidence. I found him to be an honest and convincing witness. He told the Court of meetings with the accused in which he was asked not once but at least twice to use his private intelligence cell, the existence of

which was known to the accused, to conduct surveillance on the Attorney General. The rationale behind that request was quite clearly to get information to discredit the Attorney and to “bring him down”. That, coupled with the stated perception of the witness (Tagicakibau) that, whatever had been said as to “removal” or “elimination”, he had the impression that the Attorney’s life was to be taken.

4. In contrast to this evidence, I find that I do not believe the evidence of the accused. He was evasive, divertive, petulant and ungracious. That in itself does not make him guilty, nor does he have anything to prove but he contradicted himself and gave evidence that was incapable of belief, thereby in no way detracting from the compelling evidence of Tagicakibau.
5. The evidence of Tagicakibau and the surrounding circumstances establish an overwhelming case against the accused. I cannot believe that he knew nothing of any “plans” until Lt. Colonel Mara visited him in mid September. He was before that time, on his own admission, receiving official and unofficial intelligence reports on at least a weekly basis.
6. In addition to these findings of credibility, circumstances lead me to believe that the accused was taking active steps to impugn the reputation of the Attorney General, to cement disdain for him and to bring about the downfall of the Commander’s administration. He was having the Attorney General tailed, making enquiries about his social connections and his income. He was calling into aid the head of a crack platoon of unarmed combat specialists. That head, Warrant Officer Korovou was most reluctant to give evidence of his meeting with the accused. Whatever may have been said at that meeting, he told the

Court that he came away from it with the distinct impression that there was going to be another coup.

7. The fact given in evidence by the accused, that on hearing of the plan he did nothing but stand back and consider it without reporting it to the Commander, does not serve him well. The irresistible inference is that he supported it and was doing whatever he could to justify it and further it.
8. Thinking that the plan may have been a “set-up” did not lead to the accused to take appropriate steps to deal with a possible “set-up”. Asking the purported architect of the plan : “is this a set-up?” does nothing to create confidence in his evidence.
9. In believing the evidence of Tagicakibau and finding nothing in the evidence of the accused to counter it, the case against him is overwhelming and I find beyond reasonable doubt that at the relevant times he was making an attempt to persuade the major from his loyalties to both Service and State.
10. For the above reasons I reject the opinions of the assessors and find the accused guilty of the first count. He is convicted accordingly. The second count charged in the alternative falls away.

P.K. Madigan
Judge

At Suva

26 November, 2013