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## **MEDIA RELEASE**

### **COMPLETION OF CRIMINAL PROSECUTION OF TWO TONGA POLICE OFFICERS FOR MANSLAUGHTER**

**28 April 2015**

- 1 The Attorney General's Office wishes to announce the completion in the Supreme Court on Tuesday 28 April 2015 of the criminal prosecution of Mr Sosefo Masalu and Mr Samisoni Taufu, both Tonga Police officers, residing in Vaini, for manslaughter.
- 2 In delivering its judgment this afternoon in the Supreme Court, His Honour Mr Justice Charles Cato acquitted the Accused of all their respective charges of manslaughter, and the alternative charges of causing grievous bodily harm and common assault.
- 3 The Supreme Court held that the Crown was unable to prove beyond reasonable doubt that the Accused had caused the death or severe injury suffered by the Deceased, the late 'Inoke Pepa of Vaini, on the morning of 16 November 2012.
- 4 The Supreme Court rather held that the Accused had used reasonable and proportionate force under section 100(1) of the Tonga Police Act, when they were exercising their lawful duties to arrest the Deceased and some other boys, who were very intoxicated and disturbing the general peace at Vaini village.
- 5 The Court also held that it was satisfied that the Accused Masalu was trying to grab hold of the Deceased whilst the Deceased was running away, and this had caused the Deceased

and the Accused Masalu to both fall on the road, and the Deceased's head hitting the hard surface of the road, causing the skull fracture which he eventually died from.

- 6 The Court also held that the evidence on the alleged kicking of the Deceased's head by the Accused Taufu left the Court in some doubt as to the credibility of the evidence, given the uncertainties and inconsistencies in the evidence, and so it could not be satisfied beyond reasonable doubt that the Accused Taufu had kicked the Deceased's head.
- 7 After delivering his judgment the Hon Justice Cato commented that the Crown had done the right thing in bringing these charges against the Accused, especially when there was prima facie evidence of the allegations that an individual had died due to excessive use of force by the Police.
- 8 The Court stated that it is in the public's interest that such allegations are tried in an open and transparent manner before the Courts.
- 9 The Court commented that the public has seen situations overseas where there has been civil distraught due to the non-transparent handling of allegations of excessive use of force against the Police.
- 10 The Court also stated that this was a difficult trial which involved difficult issues to determine, and also evidence being heard for three weeks, and he commended both the prosecutors and defence counsel in conducting the trial.
- 11 The Crown was represented by Mr 'Aminiasi Kefu and Mrs Susana Fineanganofu, and the Accused were represented by Mr Siosifa Tu'utafaiva and Mr Sione Havea Taione.

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