

IN THE HIGH COURT OF FIJI
AT SUVA
CIVIL JURISDICTION

Civil Action No. **HBM 2 of 2024**

BETWEEN: **FIJI INDEPENDENT COMMISSION AGAINST CORRUPTION** of
the Republic of Fiji, Rev John Hunt House, 3 Saint Fort Street, Suva, for
and on behalf of the **STATE**.

Plaintiff

AND: **LEDUA BIUVULI MATAI** of Lot 17, Rev Mustapha, Salato Road,
Namadi Heights Suva.

1st Defendant

AND: **DENISE MOEROA SENIROQA** of Lot 12, Ceva Place, Makoi, Nasinu.

2nd Defendant

AND: **TAUCILAGI DURI** of Lot 17, Rev Mustapha, Salato Road, Namadi
Heights, Suva.

3rd Defendant

Representation

Plaintiff: Ms. L. Mausio (FICAC).

1st and 3rd Defendant: Mr. S. Drole (Maisamoa & Associates).

2nd Defendant: No Appearance and Representation.

Date of Hearing: 15th May 2025

Ruling

- [1] FICAC (the Plaintiff) filed originating summons on 31st January 2024 seeking declaration of tainted property of a sum of \$52, 312.24 held in the bank account of Ledua Biuvuli Matai (1st Defendant) and forfeiture of the sum to the State. They also sought that Ledua Biuvuli Matai pay an amount equivalent to the sum he misappropriated. The originating summons were supported with an affidavit of Victoria Ralifo, an investigating officer of FICAC.
- [2] On an ex-parte summons on 1st February 2024 I had granted a restraining order on the bank account of Ledua Biuvuli Matai. On 13th February 2024 I had granted leave to FICAC to serve Ledua Biuvuli Matai out of jurisdiction. An affidavit of service was filed on 8th March 2024 setting out that Ledua Biuvuli Matai was personally served a package through DHL with the relevant documents. The affidavit of service acknowledges that the documents were delivered to Ledua Biuvuli Matai on 5th March 2024. Ledua Biuvuli Matai had endorsed the delivery.

- [3] The 3rd Defendant appeared in court on 8th April 2024. She informed Court that they engaged Mr Drole. On 18th April 2024 Mr Drole appeared for Ledua Biuvuli Matai and the 3rd Defendant.
- [4] An affidavit in opposition of the 3rd Defendant was filed on 12th July 2024.
- [5] The application before me is pursuant to **Sections 19A – 19E** of the **Proceeds of Crimes Act 1997**. Section 19E (1) is relevant and it gives this court upon an application by the DPP or FICAC, if I am satisfied on a balance of probabilities that the property is tainted property, to order such property to be forfeited to the State.
- [6] A person who has interest in the property has under section 19 (2) of the Proceeds of Crimes Act can satisfy the court that he has an interest; that he/she did not acquire the interest in the property as a result of any serious offence carried out by the person and had the interest before any serious offence occurred or acquired the interest for fair value after the serious offence occurred and did not know or could not reasonably have known at the time of the acquisition that the property was tainted property. The Court being satisfied shall order that the interest shall not be affected by the forfeiture order and the court shall declare the nature and extent of the interest in question.
- [7] The affidavit evidence of Victoria Ralifo, Investigating Officer of FICAC is that Ledua Matai was employed by the Fiji Military Forces (FMF). He was the Principal Accounts Officer and later promoted to Chief of Staff – Finance. His responsibility included approving additions of vendors into FMF Financial Management System.
- [8] Victoria Ralifo further attested that between November 2019 and June 2022, a total of 76 transactions and payments (totaling \$467,616.41) were paid out directly by FMF to one approved vendor – Ink Escape Supplies. This company was owned by Denise Seniroqo (daughter in-law of Ledua Matai) and Taucilagi Duri (wife of Ledua Matai).
- [9] FMF lodged complaint with FICAC. It was investigated. The investigation revealed a pattern where the FMF payments would go to Ink Escape Supplies. Then a cash cheque withdrawal would be made from Ink Escape Supplies bank account and the cash would be deposited on the same day into the account of the Ledua Matai. A total of \$115,080.00 was deposited into Ledua Matai's account from Ink Escape between November 2019 and June 2022.
- [10] Apart from the 3rd Defendant (Taucilagi Duri) no other affidavit in opposition to the Originating Summons were filed. The affidavit of Taucilagi Duri does not offer much. It basically states that it cannot confirm or deny the contents of the Victoria Ralifo's affidavit. The affidavit evidence of Victoria Ralifo is unchallenged.
- [11] Mr Drole on hearing date sought to cross-examine Victoria Ralifo. No prior notice or request was made. I refused this as the Defendants had ample time to make an application to cross-examine Victoria Ralifo and no application was made prior to the hearing. The matter was set for hearing on 31st March 2025. On the hearing date, Mr Drole sought to vacate the hearing and be given time to cross-examine Victoria Ralifo. I refused the

application as I found it a tactic to delay the hearing. The Defendants had the affidavit of Victoria Ralifo for over a year. They did not inform the court on 31st March 2025 when the matter was set for hearing that they wished to cross-examine Victoria Ralifo.

[12] The affidavit evidence of Victoria Ralifo is unchallenged. On the evidence before I am satisfied on the balance of probabilities that the sum of \$52, 312.24 held in the bank account of Ledua Biuvuli Matai (1st Defendant) at Australia and New Zealand (ANZ) Everyday Access Account No. 11708181 is tainted property and is forfeited to the State. The forfeited monies are to be paid into the Forfeited Assets Fund.

[13] I therefore order as follows:

- (a) That the sum of **\$52, 312.24** held in the bank account of Ledua Biuvuli Matai (1st Defendant) at Australia and New Zealand (ANZ) Everyday Access Account No. 11708181 being tainted property, be forfeited to the State.
- (b) The forfeited monies are to be paid into the Forfeited Assets Fund.

.....
Chaitanya S.C.A Lakshman
Puisne Judge

23rd May 2025

