

IN THE HIGH COURT OF FIJI
AT LAUTOKA
CRIMINAL JURISDICTION

CRIMINAL CASE NO. HAC 30 OF 2015

STATE

-v-

- 1. MANASA TALALA**
- 2. SERUVI CAQUSAU**
- 3. KELEVI SEWATU**
- 4. PENAIA DRAUNA**
- 5. FILISE VERE**
- 6. VILIAME VEREIVALU**
- 7. JONA DAVONU**
- 8. PITA MATAIRAVULA**
- 9. SENITIKI NATAKASAVU**

Counsel: : **Mr. Lee Burney with Ms. J. Fatiaki for the State**
: **Mr. I. Khan with Ms. Baleilevuka for Accused**

Date of Judgment : **11th November, 2016**

Date of Sentencing Hearing : **21st November, 2016**

Date of Sentence : **22nd November, 2016**

SENTENCE

1. 1. MANASA TALALA 2. SERUVI CAQUSAU 3. KELEVI SEWATU 4. PENAI
DRAUNA 5. FILISE VERE 6.VILIAME VEREIVALU 7. JONA DAVONU 8. PITA
MATAIRAVULA 9. SENITIKI NATAKASAVU, you all stand convicted after trial of
two counts of Rape contrary to Section 207 (1) and (2) (b) read with Sections 45 and 46
of the Crimes Decree, and two counts of Sexual Assault contrary to Section 210 (1) (a)
read with Sections 45 and 46 of the Crimes Decree.

2. 1. MANASA TALALA, 6 VILIAME VEREIVALU, you also stand convicted of separate
counts of Defeating the Course of Justice Contrary to Section 190 (e) of the Crimes
Decree.

3. On first four counts of sexual offences (Rape and Sexual Assault), all of you were jointly
charged and now you stand convicted for offences founded on the same facts and are of
similar character. Given that the crimes committed here are crimes committed in the
course of a joint enterprise, I consider imposing a common aggregate sentence pursuant
to Section 17 of the Sentencing and Penalties Decree for first four counts and the final
sentence for each of you will be determined after taking into account your peculiar
circumstances.

4. You all were policing for the State either as members of the Fiji Police Force or the Fiji
Military Force when this unfortunate incident happened. As law enforcement officers,
you had a special role given to you by the law. Your duty was to prevent the commission
of offences, and to detect and bring offenders to justice. The task of meting out justice
and punishment to offenders is reserved to the judiciary and that is also done after a fair
trial conducted according to law by a competent and impartial tribunal.

5. Your fellow officers had done a commendable job when they apprehended robbery
suspects who were trying to escape with the loot. You were informed of the arrest of

those suspects (victims) at Tagaqe village. They were under arrest and handcuffed when you got involved in the incident.

6. As law enforcement officers, you should have been aware that once suspects were taken into custody it was your duty to bring them to justice after a lawful investigation. Instead of bringing the suspects to the nearest police station for an interview, you took them to a remote hillside and started an interrogation processes filled with disgraceful acts and events for which you are finally held accountable to.
7. Victims were stripped necked, brutally assaulted and applied with chilies (the practice commonly known as '*siliboro*') on their anus while they were crying in pain. Finally, both the victims were anally penetrated with a wooden stick.
8. Courts can understand the frustration police officers may have had at unresolved crimes. However, you are bound by laws and regulations in conducting your official duties how much cumbersome the task may be. No one is above the law. You have badly failed in your duty.
9. The maximum penalty for Rape is life imprisonment.
10. The tariff for rape is well settled in Fiji. A minimum sentence of 7 years' imprisonment should be imposed when the victim is an adult, as in this case. The starting point of imprisonment for rape of an adult is 7 years. The tariff is between 7 years to 15 years. [Per Justice Gates (as he was then) in *State v Marawa* [2004] FJHC 338].
11. In *Mohamed Kasim v The State* (unreported) Cr. Case No. 14 of 1993; 27 May 1994, Fiji Court of Appeal opined that the starting point for sentencing an adult in any rape case without aggravating and mitigating features should be a term of imprisonment of 7 years. The Court observed:

"We consider that at any rape case without aggravating or mitigating features the starting point for sentencing an adult should be a term of imprisonment of seven years. It must be recognized by the Courts that the crime of rape has become altogether too frequent and that the sentences imposed by the Courts for that crime must more nearly reflect the understandable public outrage. We must stress, however, that the particular circumstances of a case will mean that there are cases where the proper sentence may be substantially higher or substantially lower than that starting point."

12. This is kind of an unusual rape case in that the sexual offences had been committed not to satisfy your lustful demands but to humiliate and torture the victims for the purpose of interrogation. However, that does not make any difference when it comes to sentencing.
13. The maximum penalty for Sexual Assault is ten years' imprisonment. In *Abdul Kaiyum* HAC 160 of 2010, it was stated that the range of sentences should be between two to eight years for the offence of Sexual Assault. The top of the range is reserved for blatant manipulation of the naked genitalia or anus. The bottom of the range is for less serious assaults such as brushing of covered breasts or buttocks.
14. In *State v. Laca* [2012] FJHC 1414 (14 November 2012), Justice Madigan referred to the United Kingdom's Legal Guidelines for Sentencing and observed:

"A very helpful guide to sentencing for sexual assault can be found in the United Kingdom's Legal Guidelines for Sentencing. Those guidelines divide sexual assault offending into three categories:

Category 1 (the most serious)

Contact between the naked genitalia of the offender and naked genitalia face or mouth of the victim.

Category 2

- (i) *Contact between the naked genitalia of the offender and another part of the victim's body;*
- (ii) *Contact with the genitalia of the victim by the offender using part of his or her body other than the genitalia, or an object;*
- (iii) *Contact between either the clothed genitalia of the offender and the naked genitalia of the victim; or the naked genitalia of the offender and the clothed genitalia of the victim.*

Category 3

Contact between part of the offender's body (other than the genitalia) with part of the victim's body (other than the genitalia)."

15. Rubbing chilies on one's anus using hands comes under category three above.
16. The offence of Defeating the Course of Justice contrary to Section 190(e) of the Crimes Decree carries a maximum penalty of five years' imprisonment. Justice Madigan in *Fiji Independent Commission Against Corruption (FICAC) v Mohammed* [2015] FJHC 479; 349, 2013 (24 June 2015) observed:

"In the case of Abhay Singh HAA 56 of 2003S, Gates J. (as he then was) passed a sentence of 12 months on a practitioner who had attempted to induce a witness to give false evidence. On appeal the Court reduced the sentence to 6 months but in the course of doing so noted that several cases shoed sentences ranging from 6 months to 3 years. The Court of Appeal referred to the NZ Court of Appeal case of Peterson [1994] 2NZLR533 where it was said that a sentence for this offence can never be suspended in a need to deter others"

Rationale for sentencing

17. Sentencing is a critical component of our criminal justice system and contributes to providing justice and protecting the public. It does so by seeking to prevent offenders from continuing with, or undertaking, future criminal activity and contributes to the reduction of crime by denouncing criminal conduct and deterring offenders and potential offenders from committing crimes. At the same time, it is important that sentencing should lead to punishments that are not only just but are also seen by the public to be just and contribute to reparations for the victims of crimes. Additionally, sentencing should contribute to offender rehabilitation. Particularly in a case like this, sentencing should reflect the government's policy and judiciary's commitment to put an end to police torture and impunity in keeping with International Human Rights obligations and standards.

Starting Point

18. In determining the starting point of your sentences this Court is guided by the following principles enunciated by Suresh Chandra J, in *Laisiasa Koroivuki v State* (Criminal Appeal AAU 0018 of 2010) :

"In selecting a starting point, the court must have regard to an objective seriousness of the offence. No reference should be made to the mitigating and aggravating factors at this time. As a matter of good practice, the starting point should be picked from the lower or middle range of the tariff. After adjusting for the mitigating and aggravating factors, the final term should fall within the tariff. If the final term falls either below or higher than the tariff, then the sentencing court should provide reasons why the sentence is outside the range".

19. Rape and sexual assault are serious offences. You have committed these offences when you, as law enforcement officers, were tasked to prevent crimes and maintain law and order. These disgraceful acts earned a bad reputation for Fiji Police Force both nationally

and internationally. The manner in which these offences were committed has been shameful and humiliating to mankind.

20. Considering the nature of offending, in light of the above guiding principles, I commence your sentences at eight years' imprisonment for each count of Rape from the lower range of the tariff band. For Sexual Assault charges, I select a starting point of three years for each count.

Aggravating features

21. I now direct my mind to aggravating features in common for first four counts of sexual offences.
- i. It is highly aggravating harm factor that you committed these offences on vulnerable victims who were in your custody and handcuffed.
 - ii. The offending was accompanied by additional violence (punching and kicking) and the offences involved significant humiliation for a considerable period of time.
 - iii. Both victims suffered physical injuries, and in the case of Soko, very serious injuries.
 - iv. The evidence at trial reveals a significant degree of preplanning.
 - v. You were involved in group offending which is by its very nature more serious.
 - vi. Those in police custody are owed a duty of care under the Constitution and you have breached that duty in this case.
22. For all these aggravating features, I enhance the sentence for Rape counts (1st and 3rd counts) by three years bringing the interim sentence to eleven years' imprisonment. I enhance the sentence for Sexual Assault counts (2nd and 4th Counts) by two years bringing the interim sentence to five years' imprisonment.

Aggregate Sentence for Sexual Offences

23. Pursuant to Section 17 of the Sentencing & Penalties Decree, I impose an aggregate sentence of eleven years' imprisonment for all sexual offences (1st to 4th counts) and it is this aggregate sentence that I use as my base to make individual adjustments for each particular accused.

Sentence for Preventing the Course of Justice

24. Manasa and Viliame, you stand convicted of the offence of Preventing the Course of Justice on 5th and 6th counts respectively which is a serious offence that should be accounted for separately.
25. I impose a sentence of six months' imprisonment for each of you on 5th and 6th counts.
26. Having arrived at an aggregate sentence for all counts of sexual offences (Counts 1 to 4) and a separate sentence for Defeating the Course of Justice, I now look at aggravating and mitigating circumstances peculiar to each of you. Both Counsel have made informative written and oral submissions in this regard. In addition to that the Defence Counsel called three witnesses to testify to your character. I have considered all the facts and evidence placed before me in arriving at a sentence not only lawful but also just and proportionate to the circumstances of this case.

Manasa (1st Accused)

27. Manasa, you were a Superintendent of Police and the Divisional Crime Officer for the Western Division of the Fiji Police Force when the offences were committed. You were in a commanding position *vis-à-vis* other persons involved in the crimes. You ordered interrogation of the suspects at a remote hillside violating accepted police procedures and did nothing to prevent crimes being committed in your presence. I consider it to be an aggravating factor in this case.

28. You are 53 years of age and married with five children. You have served well in the Fiji Police Force for the past 30 years with an unblemished record. You have no previous convictions. You have served in United Nations Mission Duties and received a medal for duties performed.
29. According to the Commander of Community Policing Fiaz Ali, you have maintained a good rapport with the community you served and performed your duties efficiently and to the best of your ability. SP Abdul Khan confirmed the report filed by your Counsel that you were a dedicated officer who kept high standard in the Fiji Police Force.
30. It is unfortunate that I am called upon to impose a sentence to a senior officer of your caliber for committing these offences. I take your good character evidence into account when I finalise your sentence.
31. From the base aggregate sentence of eleven years, I add one more year for your aggravating features referred to in paragraph 27 bringing your sentence up to twelve years. For your mitigating features, I deduct four and half years. Your aggregate sentence for first four counts of Rape and Sexual Assault is seven and half years' imprisonment. Your sentence for the 6th count is 6 months' imprisonment. **Now your final sentence for all five counts is eight years' imprisonment.**

Seruvi (2nd Accused)

32. Seruvi, you were the leader of the Lautoka Crime Intelligence Unit when the offences were committed. You were in a controlling position *vis-à-vis* other officers of your team involved in these crimes. You watched the interrogation of the suspects and did nothing to prevent crimes being committed in your presence.
33. You are 40 years old and married for the past 16 years. You are the sole breadwinner of

your family. You coached and played rugby for the Fiji Police Force. You were closely associated with church activities and disaster control operations. You have served well in the Fiji Police Force for the past 16 years with an unblemished record. You have no previous convictions. You have conducted several successful criminal investigations for which you have received summons in pending cases as a State witness. SP Abdul Khan confirmed the report filed by your Counsel that you were a dedicated officer who conducted several successful investigations as a member of the Fiji Police Force. I take all evidence of good character into consideration.

34. From the base aggregate sentence of eleven years, I add one more year for your aggravating features referred to in paragraph 32 bringing your sentence up to twelve years. For your mitigating features, I deduct four years. Your aggregate sentence for first four counts is eight years' imprisonment. **Your final sentence is eight years' imprisonment.**

Kelevi (3rd Accused)

35. Kelevi, you are 33 years old and married for the past 7 years. You are the sole breadwinner of your family. You were closely associated with disaster control operations. You have served well in the Fiji Police Force for the past 10 years with an unblemished record. You have no previous convictions. You have assisted several successful criminal investigations for which you have received summons as a State witness in pending cases. SP Abdul Khan confirmed the report filed by your Counsel that you were a dedicated officer who assisted several successful investigations as a member of the Fiji Police Force.
36. From the base aggregate sentence of eleven years, I deduct four years for your mitigating features. Your aggregate sentence for first four counts is seven years' imprisonment. **Your final sentence is seven years' imprisonment.**

Penaia (4th Accused)

37. Penaia, you are 45 years old and married for the past 20 years with 3 children. You are the sole breadwinner of your family. You were closely associated with church activities and disaster control operations of the Fiji Police Force. You have served well in the Fiji Police Force for the past 24 years with an unblemished record. You have no previous convictions. You have conducted several successful criminal investigations for which you have received Police Commissioner's commendations. You are a State witness in pending cases and have continued to assist criminal investigations despite being suspended. SP Abdul Khan confirmed the report filed by your Counsel that you were a dedicated officer who conducted several successful investigations leading to arrest of hardcore criminals.

From the base aggregate sentence of eleven years, I deduct four years for your mitigating features. Your aggregate sentence for first four counts is seven years' imprisonment.

Your final sentence is seven years' imprisonment.

Filise (5th Accused)

38. Filise, you admittedly rubbed chilies on Boila's face and Soko's anus and therefore you are a principal offender in this case. Your involvement is comparatively high in the commission of these crimes for which you must be held accountable.
39. You are 32 years old and married for the past 7 years. Your wife is 7 months pregnant. You are the sole breadwinner of your family. You were closely associated with church activities and disaster control operations. You have served well in the Fiji Police Force for the past 10 years with an unblemished record. You have no previous convictions. You have assisted to conduct several successful criminal investigations for which you have received summons as a State witness in pending cases. You have continued to assist criminal investigations despite being suspended. SP Abdul Khan confirmed the report

filed by your Counsel that you were a dedicated officer who assisted to conduct several successful investigations as a member of the Fiji Police Force.

40. From the base aggregate sentence of eleven years, I add two more years for your aggravating features referred to in paragraph 38 bringing your sentence up to thirteen years. For your mitigating features, I deduct four years. Your aggregate sentence for first four counts is nine years' imprisonment. **Your final sentence is nine years' imprisonment.**

Viliame (6th Accused)

41. Viliame, you were the team leader of the Suva Strikeback team. You were kicking and punching Soko's stomach while he was shouting in pain. Your involvement is comparatively high in the commission of these crimes which I consider to be aggravating.
42. You are 37 years old and married with one son. You are the sole breadwinner of your family looking after your family and that of your elder brother. You have served well in the Fiji Police Force for the past 11 years with an unblemished record. You have no previous convictions. You have assisted to conduct several successful criminal investigations for which you have received eleven commendations from the Commissioner of Police. You are also a State witness in pending cases. SP Abdul Khan said that you were being groomed to lead the Fiji Police Force in future. He confirmed the report filed by your Counsel that you were a dedicated officer who assisted to conduct several successful investigations as a member of the Fiji Police Force. I take all good character evidence into consideration.
43. From the base aggregate sentence of eleven years, I add two more years for aggravating features referred to in paragraph 41 bringing your sentence up to thirteen years. For your mitigating features, I deduct four and half years. Your aggregate sentence for first four counts of sexual offences is eight years and six months' imprisonment. Your sentence for the 6th count is 6 months' imprisonment. **Now your final sentence for all five counts is**

nine years' imprisonment.

Jona (7th Accused)

44. Jona, you were a member of the Suva Strikeback team. You were kicking and punching Soko's stomach while he was shouting in pain. Your involvement is comparatively high in the commission of these crimes which I consider to be aggravating.
45. You are 30 years old and married with two children. You are the sole breadwinner of your family supporting your mother-in-law and sickly mother. You have served well in the Fiji Police Force for the past 11 years with an unblemished record. You have no previous convictions. You have assisted in conducting several major criminal investigations. SP Abdul Khan confirmed the report filed by your Counsel that you were a dedicated officer who assisted to conduct several successful investigations as a member of the Fiji Police Force.
46. From the base aggregate sentence of eleven years, I add two more years for your aggravating features referred to in paragraph 44 bringing your sentence up to thirteen years. For your mitigating features, I deduct four years. Your aggregate sentence for first four counts is nine years' imprisonment. **Now your final sentence is nine years' imprisonment.**

Pita Matairavula (8th Accused)

47. Pita, you were a member of the Suva Strikeback team. You were kicking and punching Soko's stomach while he was shouting in pain. Your involvement is comparatively high in the commission of these crimes which I consider to be aggravating.
48. You are 54 years old and married with two children. You are the sole breadwinner of your family. You have served well in the Fiji Military Force for the past 34 years with an unblemished record. You have represented Fiji in number of peace keeping missions overseas including Lebanon. You have no previous convictions. You have played a major

role to put down the mutiny took place at the RFMF and saved the Commander's life as his bodyguard. SP Abdul Khan and Military Officer Jeremine confirmed the report filed by your Counsel that you were an honest, dedicated and brave soldier. You have received several awards and commendations for your distinguished service.

49. From the base aggregate sentence of eleven years, I add two more years for your aggravating features referred to in paragraph 47 bringing your sentence up to thirteen years. For your mitigating features, I deduct four years. Your aggregate sentence for first four counts is nine years' imprisonment. **Now your final sentence is nine years' imprisonment.**

Senitiki Nakatasavu (9th Accused)

50. Senitiki, you are 41 years old and married for the past 16 years with one child. You are the sole breadwinner of your family. You were closely associated with church activities and disaster control operations of the Fiji Police Force. You have served well in the Fiji Police Force for the past 15 years with an unblemished record. You have no previous convictions. You have conducted several successful criminal investigations for which you have received commendations. You are a State witness in pending cases and have continued to assist criminal investigations despite being suspended. SP Abdul Khan confirmed the report filed by your Counsel that you were a dedicated officer who conducted several successful investigations leading to arrest of hardcore criminals.
51. From the base aggregate sentence of eleven years, I deduct four years for mitigating features. Your aggregate sentence for first four counts is seven years' imprisonment. **Your final sentence is seven years' imprisonment.**

Non-parole period

52. Your Counsel has applied for a non fixture of non-parole period. Counsel for Prosecution strongly objected to the application by stating that the offences committed against the victims are very serious and it will give a wrong signal to the community.

53. Section 18 (1) and (2) of the Sentencing and Penalties Decree states:

(1) Subject to sub-section (2), when a court sentences an offender to be imprisoned for life or for a term of 2 years or more the court must fix a period during which the offender is not eligible to be released on parole.

(2) If a court considers that the nature of the offence, or the past history of the offender, make the fixing of a non-parole period inappropriate, the court may decline to fix a non-parole period under sub-section (1).

54. Section 18 (1) makes it mandatory for a court when sentencing an offender to a term of two years or more to fix a non-parole period unless for the limited reasons provided by subsection (2) the court declines to fix one (see *Rusiate Savu vs. The State* criminal appeal no. AAU0090 of 2012).

55. The limited reasons stated in section 18 (2) are the nature of the offence or the past history of the offender. There is no doubt that the offences committed by you are serious for Rape the maximum sentence is life imprisonment and for Sexual Assault the maximum sentence is 10 years' imprisonment; both offences were committed on vulnerable victims who were in police custody and when they were handcuffed.

56. Furthermore, although Torture is not criminalized as a specific offence under the Crimes Decree, Fiji is bound by the Customary International Law, and more specifically, by the United Nations Convention Against Torture (UNCAT) recently ratified by the government of Fiji (Fiji has become in March this year the 158th country to ratify the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment) and therefore, courts in Fiji, as one branch of the government are bound to give effect to international treaty obligations. Impunity is a serious matter and the sentence should not give a wrong signal to the community especially to law enforcement

agencies that courts in Fiji tolerate this type of criminality.

57. In respect of the past history of the offender, the Court concedes that all of you have maintained good service records, nil previous conviction records and a good standing in the society.
58. I have carefully considered the submissions of both Counsel. I am not convinced that this is a case where the court's discretion in declining to fix a non-parole period is appropriate. The offences committed by the accused are serious which warrants a non-parole period to be imposed.
59. The sentences imposed in this case should not only operate as a deterrence for you but should also send a stern message to all those who might consider committing similar offences. A discretion has been granted to the sentencing judge in terms of Section 18 (3) of the Sentencing and Penalties Decree when fixing a non-parole period but is silent as to how that period should be arrived at. Therefore, I look at the case law for guidance in selecting appropriate non-parole period for each of you.
60. Calanchini P in *Paula Tora v. The State Criminal Appeal* No.AAU 0063 of 2011 (27 February 2015) stated:

" The purpose of fixing the non-parole term is to fix the minimum term that the Appellant is required to serve before being eligible for any early release. Although there is no indication in section 18 of the Sentencing and Penalties Decree 2009 as to what matters should be considered when fixing the non-parole period, it is my view that the purposes of sentencing set out in section 4(1) should be considered with particular reference to rehabilitation on the one hand and deterrence on the other. As a result the non-parole term should not be so close to the head sentence as to deny or discourage the possibility of re-habilitation. Nor should the gap between the non-parole term and the head sentence be such as

to be ineffective as a deterrent. It must also be recalled that the current practice of the Corrections Department, in the absence of a parole board, is to calculate the one third remission that a prisoner may be entitled to under section 27(2) of the Corrections Service Act, 2006 on the balance of the head sentence after the non-parole term has been served." (emphasis added)

61. It is desirable to take into consideration the three objectives stated by Redlich JA and Osborn JA in *Kumova v. Queen* [2012] VSCA 212:
Redlich JA and Osborn JA stated:

"Like the head sentence, determination of the non-parole period involves the application of well settled principles and practices to the circumstances of the case. All factors are taken into account, first in determining the head sentence and then in fixing the non-parole period. The factors may be differently weighted at each stage of the exercise because there are different purposes behind each function. In fixing the proportion of the head sentence to be given to the minimum sentence there are sentencing principles in operation which, together with the individual circumstances of the case will determine the proportion which the non-parole period must bear to the head sentence. First, like the head sentence, the non-parole period must also reflect the objective gravity of the offence so that the non-parole period should constitute the minimum period of imprisonment that justice requires the prisoner to serve. Secondly, punishment is mitigated in favour of the prisoner's rehabilitation. The benefit of the minimum term is for the purpose of the offender's rehabilitation. Thirdly, in fixing the minimum term, the interests of the community, which imprisonment is designed to serve, must be taken into account." (Emphasis added).

62. Considering Section 18 (1) of the Sentencing and Penalties Decree, and the case law I have cited, I impose following non- parole periods proportionate to your sentences.

Manasa, your non parole period is five years. Therefore, you are eligible for parole after you have served a minimum period of five years.

Seruvi, your non parole period is five years. Therefore, you are eligible for parole after you have served minimum period of five years.

Kelevi, your non parole period is four years. Therefore, you are eligible for parole after you have served a minimum period of four years.

Penaia, your non parole period is four years. Therefore, you are eligible for parole after you have served a minimum period of four years.

Filise, your non parole period is six years. Therefore, you are eligible for parole after you have served a minimum period of six years.

Viliame, your non parole period is six years. Therefore, you are eligible for parole after you have served a minimum period of six years.

Jona, your non parole period is six years. Therefore, you are eligible for parole after you have served a minimum period of six years.

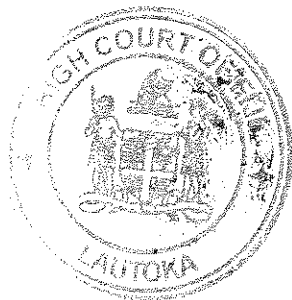
Pita, your non parole period is six years. Therefore, you are eligible for parole after you have served a minimum period of six years.

Senitiki, your non parole period is four years. Therefore, you are eligible for parole after you have served a minimum period of four years.

63. Your Counsel raised concerns about your safety and security in prison and begged not to impose custodial sentences. I am mindful that you have carried out successful raids and criminal investigations that have led to convictions and some of the convicts are still serving prison terms in correction centres. Some of you have received summons to give evidence in courts as State witnesses. Those facts however do not prevent me from acceding to your Counsel's requests. I am not inclined to underestimate the ability of the

Commissioner of Corrections to guarantee the safety and security of inmates detained in correction centres. As an extra precautionary measure I would like to direct the Commissioner of Corrections to make special arrangements to ensure your safety and security.

64. Superintendent of Police Abdul Khan who adduced character evidence on your behalf begged for lenient sentences and invited this Court to consider your reputation as efficient officers. It should be mentioned that this Court is duty bound by law to consider your reputation as well as the reputation of the entire Fiji Police Force and its law abiding officers in the eyes of the community both national and international. I sincerely believe that this sentence will boost the self-esteem and reputation of the Fiji Police Force.
65. All of you are advised that you have a right of appeal to the Court of Appeal with the leave of that court within 30 days from this sentence.



Aruna Aluthge

Judge

AT LAUTOKA

22nd November, 2016

**Counsel: Office of the Director of Public Prosecution for Prosecution
Iqbal Khan & Associates for the Accused**