

**IN THE HIGH COURT OF FIJI**  
**AT LABASA**  
**CRIMINAL JURISDICTION**

**Criminal Case No. HAC 01 of 2015**

**STATE**

**V**

**ADONI TUVUKI**

**Counsel: Ms. A. Vavadakua for the State**

**Mr. A. Paka with Ms. S. Devi (L.A.C.) for the Accused**

**Date of Conviction : 22 September 2016**

**Date of Sentence : 23 September 2016**

**SENTENCE**

[1] The accused has been convicted in this Court after trial of one count of rape and two counts of indecent assault.

[2] The complainants in all three counts were young girls, two were 13 years old and one was 11 at the time. They were all studying at a district primary school in Bua. The accused and his wife were the cooks at the school.

- [3] On three separate occasions each of the girls told of circumstances in which they were alone in the company of the accused and how he sexually abused them.
- [4] The first girl went to the accused quarters where he lived with his wife and daughter to see the daughter who was her friend. Her friend was not there but the accused pulled her into the room, undressed her and himself and pinning her hands with his hands forced her on to a bed and then raped her.
- [5] A second girl told of her visit to the kitchen in order to get food. She had asked the accused when he was attending to maintenance work in the girls' dormitory. He told her he had buns and to come to the kitchen alone. When she got to the kitchen, he pulled her inside his room, kissed her and fondled her breasts. She was resisting all the while.
- [6] The third girl is the niece of the accused. She had been helping a senior teacher clean his house when he asked her to go to the cook and ask for a pair of pliers. She went and the accused and his wife were in the room. The accused told his wife to go out and serve lunch to the students. He then pushed the young girl on to a bed and kissed her then fondled her breasts.
- [7] The accused who was then a cook now earns income as a farmer and by fishing. He is 66 years old and supports his wife and daughter who is a solo mother with a 6 months old child. He has a clear record.
- [8] The maximum penalty for rape is imprisonment for life and the Supreme Court has stated that rapes of children must be visited

with sentences of between 10 and 16 years (*Anand Abhay Raj* CAV0003.2014).

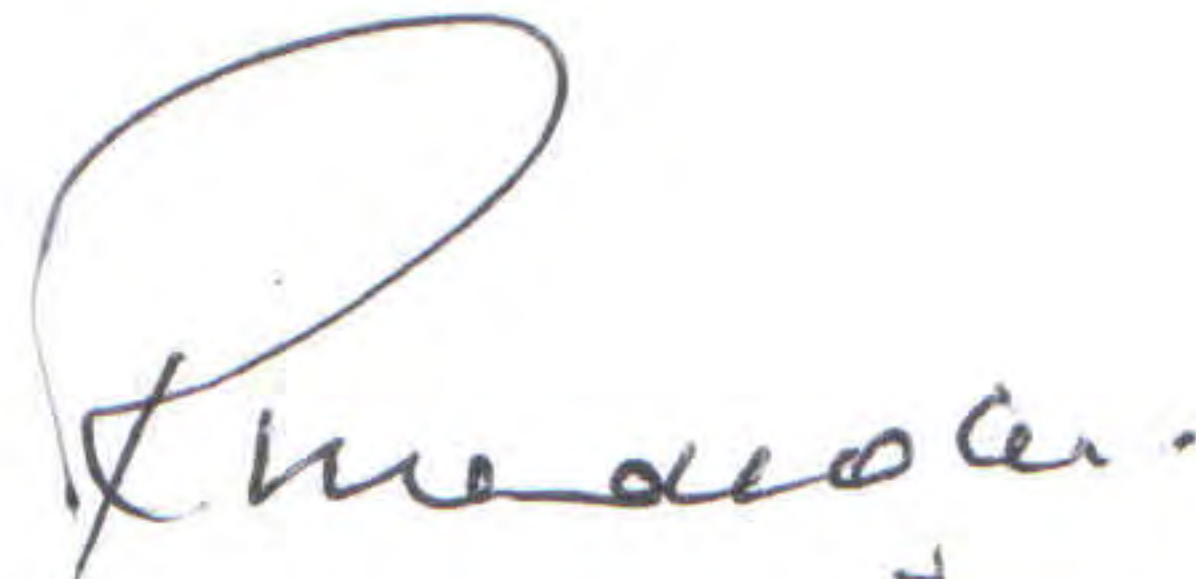
[9] The rape of this young girl is aggravated by the fact that apart from being of a vulnerable age she was away from her family and in the care of the teachers and staff of the boarding school. Any child and her parents should be secure in their perception that a boarding school would be a safe environment and to that extent the rape is a gross breach of trust. The accused went to great lengths in his defence to tell the Court that he was regarded as a father figure to the students and he would care for them and hug them whenever they met. This may well be a culturally acceptable way of life in Fiji but only if it were to stop there. To extend that affection to sexual abuse is abominable.

[10] I take a starting point of 10 years for the first count of rape and for the breach of trust referred to in the preceding paragraph I add to that a further term of 5 years bringing the interim total sentence to one of 15 years. There is little to be said in mitigation except for his clear record and his advanced age, but for those two factors I reduce the sentence by 1 year bringing his final sentence to a term of 14 years. That is the term that he shall serve and I order that he serve a minimum term of 11 years before being eligible for parole.

[11] The maximum penalty for indecent assault is 5 years imprisonment and the range of sentences is found to be between 12 months and four years. Of course the gravity of the assault will determine where the sentence should lie within the range. Assaults on young children are of course to be regarded as very grave and with the aggravation of breach of trust; condign punishment must be a sentence of four years.

[12] That is the sentence I impose for each of the two indecent assault counts and they are to be served concurrently with each other and concurrent to the rape sentence.

[13] In summary therefore, he is to serve 14 years imprisonment with a minimum term of 11 years.



**P. K. Madigan**  
**Judge**



At Labasa

23 September 2016