

IN THE HIGH COURT OF FIJI
AT LABASA
[CRIMINAL JURISDICTION]

CRIMINAL CASE NO.: HAC 14 OF 2019

BETWEEN : STATE

AND : ANASA LULU VATEITEI

Counsel : Ms A. Vavadakua for the State
Ms S. Devi and Ms M. Besetimoala for the Accused

Dates of Hearing : 22 - 23 June 2020

Date of Summing Up: 24 June 2020

Date of Judgment: 24 June 2020

JUDGMENT

1. The assessors have unanimously found the Accused guilty of rape of an adult woman suffering from mental impairment. Sexual intercourse was not disputed by the Accused. The Accused knew that the complainant was suffering from mental impairment at the time of the act. His defence was that the complainant had the capacity to freely and voluntarily consent to sexual intercourse at the time of the act and that she did in fact give her consent.
2. The assessors have accepted that the prosecution has proved beyond reasonable doubt that the complainant did not have the mental capacity to give a free and voluntary consent to sexual intercourse due to her cognitive impairment at the time of the act and that the Accused either knew that she did not have that capacity or was reckless as whether she consented due to her cognitive impairment.

3. I direct myself in accordance with my summing up and accept the unanimous opinion of the assessors that the Accused is guilty of rape. I find him guilty and convict him accordingly.



A handwritten signature in blue ink, consisting of a stylized 'D' followed by a horizontal line.

Hon. Mr Justice Daniel Goundar

Solicitors:

Office of the Director of Public Prosecutions for State

Office of the Director of Legal Aid Commission for Accused