

IN THE HIGH COURT OF FIJI
AT SUVA
CRIMINAL JURISDICTION

Crim. Case No: HAC 369 of 2022

STATE

vs.

ISIRELI RASEISEI

Counsel: Ms. S. Shameem for the State
Mr. J. Cakau for Accused

Dates of Hearing: 5th, 6th, 7th, 8th, 9th and 12th August 2024

Date of Closing Submission: 16th August 2024

Date of Judgment: 07th February 2025

Date of Sentence: 21st February 2025

SENTENCE

1. Mr. Isireli Raseisei, on the 7th of February 2025, this Court found you guilty of one count of Manslaughter, contrary to Section 239 (a), (b), & (c) (ii) of the Crimes Act, which carries a maximum penalty of twenty-five years imprisonment.
2. It was established during the hearing that you had assaulted the Deceased on 14 February 2022, while he was in custody at Samabula Police Station. The Deceased was intoxicated and exhibited aggressive behaviour in the cell. You had entered the cell to clean it after the Deceased had urinated inside. While the Deceased was mopping the floor, you struck him in

the face, causing him to fall onto the cement bed in the cell. The Deceased passed away from the severe head injuries he sustained.

3. I regard this as a case of Police brutality. A Police Officer assaulted a detainee in their custody, resulting in his death. The Police Force is a vital component of a functioning democracy, entrusted with the significant responsibility of maintaining law and order. Incidents of this nature involving members of the Police Force undoubtedly undermine the confidence that the public should rightfully have in the Police to uphold law and order. The offence of Manslaughter unnaturally terminates a person's life, making it a serious crime. Given these factors, I find the objective seriousness of this offence is exceptionally high.
4. Given the serious nature of this crime, the main aim of this sentence is deterrence. The Court has a duty to prevent offenders and others from committing similar offences, thereby safeguarding the community from such individuals. A custodial sentence is essential for such offences, demonstrating the severity of the crime and affirming that society unequivocally condemns such acts.
5. It appears that the Courts in Fiji have adopted two approaches to tariffs for Manslaughter. The first approach ranges from a suspended sentence, where there has been a great deal of provocation, to 12 years imprisonment, where there has been minimal provocation. The second approach ranges from five years to twelve years imprisonment.
6. The death of the Deceased has undoubtedly had a devastating impact on his family. Consequently, the level of harm is significantly high. It was revealed that the Deceased was intoxicated and behaved aggressively towards you. You went to the cell to clean it after the Deceased had urinated inside. While mopping the floor, the Deceased was swearing at the Police; it was during this time that you assaulted him. Therefore, I identify a certain level of provocation that led you to assault the Deceased, resulting in the fatal outcome. Thus, I find that the level of culpability is not exceedingly high.

7. Considering the objective seriousness of this offence, the purpose of the sentence, and the level of harm and culpability involved, I selected five (05) years as the starting point.
8. As previously outlined, I have considered the objective impact of this offence on the public perception of the Police Force while assessing the objective seriousness of this crime. I now consider your individual breach of trust, placed in you by the Police Force and the people of this country, as an aggravating factor in committing this crime.
9. The Learned Counsel for you submitted in detail your unblemished character in the mitigation submissions. Indeed, your previous good character was the main component in reposing you with such an important responsibility as a Police Officer, which you blatantly breached. Hence, your previous good character has little mitigatory value. However, it is submitted that you have been an active member of your community, maintaining a high standard of community value, which I consider in your favour as a mitigating factor.
10. Consequently, I added one year to your aggravating factor to reach a six-year imprisonment term. Taking into account your contributions to the community, your young age, and your family circumstances, I reduced the sentence by two years, resulting in a final sentence of four (4) years' imprisonment.
11. I hereby sentence you to four years imprisonment for the offence of Manslaughter as charged in the Information.
12. Having considered the seriousness of this crime, the purpose of this sentence, and opportunities for rehabilitation, I find two (02) years of non-parole period would serve the purpose of this sentence. Hence, you are not eligible for parole for two (02) years under Section 18 (1) of the Sentencing and Penalties Act.

Head Sentence

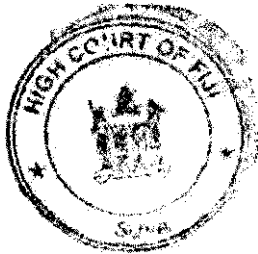
13. Accordingly, I sentence you to a period of four (04) years imprisonment for one count of Manslaughter, contrary to Section 239 (a) (b) & (c) (ii) of the Crimes Act, as charged in the Information. Moreover, you are not entitled to parole for two (02) years according to Section 18 (1) of the Sentencing and Penalties Act.

Actual Period of the Sentence

14. You were in remand custody for this case for nearly fourteen days before the sentence, as the Court did not grant you bail after finding you guilty of this offence. According to Section 24 of the Sentencing and Penalties Act, I consider one (01) month as a period of imprisonment you have already served.

15. Accordingly, the actual sentencing period is **three (03) years and eleven (11) months** imprisonment, with a non-parole period of one **(01) years and eleven (11) months**.

16. Thirty (30) days to appeal to the Fiji Court of Appeal.



A handwritten signature in black ink, appearing to be "R. D. R. T. Rajasinghe".

.....
Hon. Mr. Justice R. D. R. T. Rajasinghe

At Suva

21st February 2025

Solicitors

Office of the Director of Public Prosecutions for the State.

Vosarogo Lawyers for 3rd Accused.