

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

**Crim. Case No: HAC 110 of 2022**

**STATE**

vs.

**AMINIO ROKOTUIVUNA**

<b>Counsel:</b>	Ms. J. Fatiaki with Ms. W. Elo for the State Mr. E. Veibataki for Accused
<b>Date of Hearing:</b>	03 <sup>rd</sup> and 4 <sup>th</sup> July 2023
<b>Date of Closing Submission:</b>	12 <sup>th</sup> July 2023
<b>Date of Judgment:</b>	04 <sup>th</sup> August 2023
<b>Date of Sentence:</b>	16 <sup>th</sup> August 2023

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**SENTENCE**

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1. Mr. Aminio Rokotuivuna, the Court found you guilty of one count of Rape, contrary to Section 207 (1) (2) (a) and (3) of the Crimes Act and convicted of the same on the 4th of August 2023.
2. It was proved during the hearing that you had penetrated the vagina of the Complainant on an unknown date between the 1st day of December 2016 and the 11th day of December 2016. The Complainant's stepfather is your cousin. She was 12 years old at that time,

attending school. You had taken the Complainant to the Community Hall's Toilet and then forcefully penetrated her vagina with your penis.

3. This is a case of sexual exploitation of a young girl by a known person. Sexual exploitation of young girls has become a social menace. The social enigma of abusing children for sexual gratification needs to address promptly and effectively. Therefore, I find the objective seriousness of this crime is significantly high.
4. The primary purpose of this sentence is founded on the principle of deterrence. It is the responsibility of the Court to deter offenders or other persons from committing offences of the same or similar nature and protect the community from offenders of this nature. A harsh and long custodial sentence is inevitable for offences of this nature to demonstrate the gravity of the offence and reflect that civilized Society denounces such crimes without any reservation.
5. The maximum penalty for the offence of Rape is life imprisonment. The tariff for the Rape of a child is between 11 to 20 years imprisonment. (**Aitcheson v State ([2018] FJSC 29; CAV0012.2018 (2nd of November 2018).**
6. The Victim Impact Report of the Complainant states that this crime has adversely affected her life emotionally and psychologically. According to the Victim Impact Report, this crime has shattered her self-confidence and reduced her to a withdrawn person. The Complainant tried to isolate herself from the Society and eventually started to take treatment for the trauma and psychological impact caused by this incident.
7. You have manipulatively created an environment by taking her to an isolated location when she was playing with her other cousins. You then unleashed your disgraceful sexual assault on her inside the female toilet of the Community Hall. Therefore, I find the level of culpability in this crime is exceptionally high.

### Actual Period of the Sentence

14. You were in remand custody for this case for nearly fifteen (15) days before the sentence. 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 that you have to serve is **thirteen (13) years and eleven (11) months** imprisonment with a non-parole period of **eleven (11) years and eleven (11) months**.
16. Since this incident involves domestic violence, I am satisfied that there are sufficient grounds to consider making an order under the Domestic Violence Act. I accordingly make Permanent Domestic Violence Restraining Order against you with standard non-molestation conditions pursuant to Sections 24 and 28 of the Domestic Violence Act. The above Domestic Violence Restraining Order will be in force until this Court, or any other competent Court, is varied or suspended. Furthermore, if you breach this restraining order, you will be charged and prosecuted for an offence pursuant to Section 77 of the Domestic Violence Act.
17. Thirty (30) days to appeal to the Fiji Court of Appeal.



A handwritten signature in black ink, appearing to read "R. D. R. T. Rajasinghe", is written over a horizontal dotted line.

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

### At Suva

16<sup>th</sup> August 2023

### Solicitors

Office of the Director of Public Prosecutions for the State.

Office of the Legal Aid Commission for the Accused.