

**IN THE HIGH COURT OF FIJI**

**AT SUVA**

**CRIMINAL JURISDICTION**

**CRIMINAL CASE NO: HAC 097 OF 2025**

**BETWEEN** : **STATE**

**AND** : **RUPENI GACALA COCKER**

**Counsel** : **Ms U Ratukalou for the State**  
**Mr I Emasi for the Accused**

**Date of Hearing** : **7 November 2025**

**Date of Sentence** : **19 November 2025**

**SENTENCING REMARKS**

[1] Rupeni Cocker (the accused), aged 53, was the victim's biological father and lived with her, her mother, and siblings in Raiwaqa, Suva. The victim was born on 28 October 2015 and was five years old when the sexual abuse began, and ten years old at the end of the offending period in April 2025.

[2] Between January 2020 and April 2025, the accused exploited opportunities when he was alone with the victim in their home. The offences persisted over five years, beginning while the victim was in kindergarten. The incidents typically occurred in the mornings or after school, when other family members were absent or asleep. The pattern of offending involved threats and manipulation, for example, he would

intimidate the child by stating she would not be sent to school or denied new school shoes if she did not comply.

- [3] The acts included forced oral sex, digital penetration with his tongue, fondling her breasts, and kissing her, each act qualifying as separate counts of rape or sexual assault under the Crimes Act 2009. The offending on specific known dates was described in detail, showing repeated abuse and escalating sexual violence, with emissions of semen and subsequent acts following forced compliance. When interrupted, the accused would actively shield the abuse from discovery by closing doors and denying entry. The summary of facts covers dozens of incidents, with representative counts capturing the span and gravity of the offending.
- [4] The complainant's victim impact statement reveals profound psychological harm. She was diagnosed with symptoms consistent with PTSD, suffering nightmares, flashbacks, and intense anxiety, including feelings of guilt and shame. She struggled to disclose the abuse due to safety concerns and the fear instilled by her father's threats. The lasting impact on her ability to trust, feel secure, and mental health is significant. There is ongoing risk of future psychiatric illness per psychological assessment.

### **Charges and Offending**

- [5] The accused pleaded guilty to 12 counts of rape (forced oral and genital penetration) and 2 counts of sexual assault (fondling and kissing) against the victim, his daughter under 13 years old, at the family home over a five-year period. The Court accepts the summary of facts as outlined in the amended information and victim assessment reports as true for sentencing.

### **Aggravating Features**

- [6] The aggravating factors, in summary are:
- The victim was especially vulnerable due to her age and the familial trust involved.
  - The offences happened within the safety of the child's own home, compounding the trauma.
  - The accused exploited his parental role and authority as the victim's father, thereby breaching his daughter's trust.
  - The abuse was not isolated but systematic, using manipulation and repeated threats.
  - The lasting harm is severe, as evidenced by professional psychological assessments and the victim's own accounts.

### **Mitigation and Pre-Sentencing Report**

- [7] The pre-sentencing report records that the accused blamed supernatural forces (demons) for his crimes, failed to accept responsibility, and showed limited remorse, undermining prospects for rehabilitation. However, he is considered a "first offender" as his previous convictions are spent, he entered an early guilty plea, and has spent time in remand since arrest.

### **Sentence Determination**

- [8] This offending falls within the highest category of gravity under the Crimes Act, with consistency in recent case law for such cases involving rape of children by those in positions of trust being met with life imprisonment (*State v Kurucawa* HAC164 of 2025, *State v Singh* HAC196 of 2019, *State v Bati* HAC066 of 2020, *State v Vukici* HAC104 of 2017). The Court finds the aggravating features far outweigh mitigation, and that only the maximum sentence is warranted. The sentence must reflect the seriousness of repeated, manipulative child sexual abuse, statutory

punishment requirements, and the paramount need for community protection, deterrence, and denunciation of such acts.

[9] The accused is convicted and sentenced to life imprisonment for each of the twelve counts of rape, and 6 years' imprisonment for each of the two counts of sexual assault, with these latter sentences to be served concurrently with the life sentences. The court directs that the accused will not be eligible for parole until he has served a non-parole period of eighteen years, reduced by a total of six years in recognition of his early guilty plea and the time he spent in remand. The total effective sentence is life imprisonment with a non-parole period of 18 years. A permanent order prohibiting publication of the victim's name is imposed to protect her identity. The DVRO with standard no contact and non-molestation conditions is made permanent.



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**Hon Mr Justice Daniel Goundar**

**Solicitors:**

**Office of the Director of Public Prosecutions for the State**

**Legal Aid Commission for the Accused**