

IN THE HIGH COURT OF FIJI

AT SUVA

CRIMINAL JURISDICTION

CRIMINAL CASE NO. HAC 284 OF 2012S

STATE

VS

1. ISIKELI NAKATO

2. ATONIO MATAIRATU

Counsels : **Ms. M. Fong and Ms. M. Khan for the State**
Mr. M. Fesaitu for Accused No. 1
Mr. A. Vakaloloma for Accused No. 2

Hearings : **3 to 7 and 10 to 13 March, 2014**

Summing Up : **14 March, 2014**

Judgment : **14 March, 2014**

JUDGMENT

1. The three assessors have unanimously returned with a guilty verdict on both accuseds, for committing "arson", by setting fire to the structures of Suva Magistrate Court No. 6, at the material time.
2. Obviously, the assessors have accepted the prosecution's version of events. It follows that they have accepted that both accuseds voluntarily confessed to the police, when they questioned the two at Major Crime Unit, between 8 and 11 August 2012.
3. I have reviewed the evidence called in the trial and I have directed myself, in accordance with the Summing Up I gave the assessors today.

4. In my view, the assessors' verdict was not perverse. It was open to them to reach such conclusion on the evidence.
5. I accept the 3 assessors' verdict. I, like them, accept that both accuseds gave their police caution interview statements voluntarily and out of their own free will. In my view, the accuseds were not assaulted or threatened by the police when they were caution interviewed. There was no medical report to prove evidence of police assaults etc. They were also free for 5 days and they never complained to anyone.
6. I don't accept the accused's version that they were threatened and assaulted by police, when caution interviewed.
7. I find both accuseds Guilty as Charged and I convict them accordingly.
8. Assessors thanked and released.

Salesi Temo
JUDGE

Solicitor for the State : **Office of the Director of Public Prosecution, Suva.**
Solicitor for Accused No. 1 : **Legal Aid Commission, Suva.**
Solicitor for Accused No. 2 : **Vakaloloma & Associates, Suva.**