

IN THE HIGH COURT OF FIJI

AT SUVA

CRIMINAL JURISDICTION

CRIMINAL CASE NO. HAC 327 OF 2015S

STATE

vs

JONE RABUNO COKANAUTO

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|------------|---|---|
| Counsels | : | Mr. M. Vosawale and Ms. L. Bogitini for State Mr. S. Valenitabua for Accused |
| Hearings | : | 13, 14, 15, 16, 19, 20, 21 and 22 June, 2017 |
| Summing Up | : | 23 June, 2017 |
| Judgment | : | 26 June, 2017 |
| Sentence | : | 27 June, 2017 |

SENTENCE

1. In a judgment delivered yesterday, the court found you guilty and convicted you on the following counts in the following information:

COUNT ONE

Statement of Offence

RAPE: Contrary to Section 149 and 150 of the Penal Code Cap. 17.

Particulars of Offence

JONE RABUNO COKANAUTO between the 1st day of February 2005 to the 28th day of February 2005, at Taveuni in the Northern Division, had unlawful carnal knowledge of U.D without her consent.

COUNT TWO

Statement of Offence

RAPE: Contrary to Section 149 and 150 of the Penal Code Cap. 17.

Particulars of Offence

JONE RABUNO COKANAUTO between the 1st day of August 2005 to the 31st day of November 2005, at Nadera Nasinu in the Central Division had unlawful carnal knowledge of U. D without her consent.

COUNT THREE

Statement of Offence

RAPE: Contrary to Section 149 and 150 of the Penal Code Cap. 17.

Particulars of Offence

JONE RABUNO COKANAUTO between the 1st day of July 2006 to the 31st day of December 2006, at Taveuni in the Northern Division had unlawful carnal knowledge of U. D without her consent.

COUNT FOUR

Statement of Offence

INDECENT ASSAULT: Contrary to Section 154(1) of the Penal Code Cap. 17.

Particulars of Offence

JONE RABUNO COKANAUTO between the 1st day of January 2006 to the 31st day of July 2006, at Nadera, Nasinu in the Central Division unlawfully and indecently assaulted F. N.

COUNT FIVE

Statement of Offence

RAPE: Contrary to Section 207 (1) and (2) (b) of the Crimes Act No. 44 of 2009.

Particulars of Offence

JONE RABUNO COKANAUTO between the 1st day of July 2012 to the 31st day of July 2012, at Welagi Taveuni in the Northern Division penetrated the vagina of **F. N** with his finger without her consent.

COUNT SIX

Statement of Offence

INDECENT ASSAULT: Contrary to Section 154(1) of the Penal Code Cap. 17.

Particulars of Offence

JONE RABUNO COKANAUTO between the 1st day of November 2005 to the 31st day of December 2005, at Nasinu in the Central Division unlawfully and indecently assaulted **R. V.**

COUNT SEVEN

Statement of Offence

RAPE: Contrary to Section 149 and 150 of the Penal Code Cap 17.

Particulars of Offence

JONE RABUNO COKANAUTO between the 1st day of November 2005 to the 31st day of December 2005, at Nasinu in the Central Division had unlawful carnal knowledge of **R. V** without her consent.

COUNT EIGHT

Statement of Offence

ATTEMPTED RAPE: Contrary to Section 151 of the Penal Code Cap. 17.

Particulars of Offence

JONE RABUNO COKANAUTO between the 1st day of February 2006 to the 28th of February 2006, at Nadera Nasinu in the Central Division, attempted to have unlawful carnal knowledge of **K. L. V** without her consent.

COUNT NINE

Statement of Offence

INDECENT ASSAULT: Contrary to Section 154 (1) of the Penal Code Cap. 17.

Particulars of Offence

JONE RABUNO COKANAUTO between the 1st day of February 2006 to the 28th of February 2006, at Nadera Nasinu in the Central Division, unlawfully and indecently assaulted **K. L. V** by kissing her lips.

COUNT TEN

Statement of Offence

INDECENT ASSAULT: Contrary to Section 154 (1) of the Penal Code Cap. 17.

Particulars of Offence

JONE RABUNO COKANAUTO between the 1st day of February 2006 to the 28th of February 2006, at Nadera Nasinu in the Central Division, unlawfully and indecently assaulted **K. L. V** by penetrating her vagina with his finger

2. The facts of your case were as follows. At the age of 38 years, you founded a prayer group called the Jezreel Lion of Judah Ministry at Vunidawa, Welagi, Taveuni. You organized yourselves into prayer groups of 10 to 12 people or less, and prayed for the sick and those experiencing life difficulties. Your Ministry was based on Christian principles, and most of your teachings and sermons were sourced from the Bible. However, your group was not formally registered as a church.
3. According to the complainants, you often preached on the bible story of the "woman from Samaria" in Saint John, chapter 4 verse 1 to 42. In that story, Jesus offered the "living water"

to the woman of Samaria so that she could thirst no more. The "living water" in the story meant "the gift of the holy spirit and the grace of God". According to the complainants, you misinterpreted the living water to mean your "sperm" and through your teachings, you told them that you need to have sex with them to cleanse them, as they are the temples of God. You manage to convince these vulnerable young women to your web of deceit.

4. In February 2005, at Welagi Taveuni, in a prayer session in your bedroom, you raped complainant no. 1 (PW1) (count no. 1) She was 18 years old at the time. You were 43 years old. Between August and November 2005, you raped her again at Nadera Nasinu (count no. 2). Between November and December 2005, you indecently assaulted complainant no. 3 (PW3) at Nadera Nasinu (count no. 6). After count no. 6, you raped her at the same venue (count no. 7). She was 19 years old at the time. You were 43 years old. Between January and July 2006, you indecently assaulted complainant no. 2 (PW2) at Nadera Nasinu (count no. 4). She was 22 years old at the time. Then in February 2006, you attempted to rape complainant no. 4 (PW4) (count no. 8), then indecently assaulted her twice (count no. 9 and 10). She was 20 years old at the time. Between July and December 2006, you rape complainant no. 1 (PW1) at Welagi Taveuni (count no. 3). Then in July 2012, you raped complainant no. 2 (PW2) at Welagi Taveuni.

5. For sexual offences, the most serious is the offence of "rape". The people of Fiji, through their representatives in Parliament, had prescribed a maximum sentence of life imprisonment. (see section 150 of the Penal Code, Chapter 17 and section 207 (1) of the Crimes Act 2009). This is because "rape" is seen as the most serious unlawful invasion of a person's privacy. It also invades the dignity of a person. And for the rape of a juvenile, that is, those who are 18 years and under, the tariff is a sentence between 10 years to 16 years imprisonment: **Anand Abhay Raj v State**, Criminal Appeal No. CAV 003 of 2014, Supreme Court of Fiji. The tariff for the rape of an adult, that is, those 18 years old and above, is a sentence between 7 to 15 years imprisonment: see **Mohammed Kasim v The State**, Criminal Appeal No. 21 of 1993, Fiji Court of Appeal; **Bera Yalimawai v The State**, Criminal Appeal No. AAU 0033 of 2003, Fiji Court of Appeal; **Navuniani Koroi v The State**, Criminal Appeal No. AAU 0037 of 2002, Fiji Court of Appeal and **Viliame Tamani v The State**, Criminal Appeal No. AAU 0025 of 2003, Fiji Court of Appeal. The actual sentence will depend on the mitigating and aggravating factors.

6. For "attempted rape", the maximum sentence is 10 years imprisonment (section 151 of the Penal Code, Chapter 17).
7. For "indecent assault", the maximum sentence is 5 years imprisonment (section 154 (1) of the Penal Code, Chapter 17).
8. The aggravating factors, in this case, were as follows:
 - (i) Serious Breach of Trust: In the i-taukei community in Fiji, the dominant religion is Christianity. Christianity and its teaching is worshipped in the i-taukei community on most weekdays and Sundays year in and year out. Central to this is the messages and teachings of the Bible. Moral values and standards are gained and followed as a result of the teachings from the Bible. The story of the "woman of Samaria" in Saint John, chapter 4 verse 1 to 42 is a case in point. As Doctor Donal McAlraith (PW5) from the Pacific Regional Seminary said, the message from Saint John, chapter 4, verse 1 to 42 is about "a woman with no faith in Jesus to faith in Jesus. She is an evangelist". However, you as head of the Jezreel Lion of Judah Ministry had did the unthinkable. You have twisted and misinterpreted the "woman of Samaria" story to entrap vulnerable young women. You have twisted the "living water" Jesus offered to mean your "sperm". You have reclassified the woman of Samaria, not as an evangelist, but as a prostitute. You then taught that to be purified as the temple of God, you need to have sex with them. You then had sex with the complainants as alleged in the information. By your web of deceit, you have committed various sexual offences against your own followers. In fact, you have taught and practised in exactly the opposite ways that Saint John said in chapter 4 verse 1 to 42. You are really a wolf in sheep's clothing. You have seriously breach the trust your female complainants had in you. You must not complain when your liberty is taken away.
 - (ii) Pre-Planning of the Offences: You started the Jezreel Lion of Judah Ministry in 2000. It is now 2017. Your Ministry had been in existence for 17 years. Looking at your offendings in their totality, you have carefully planned your offendings throughout the years. You first entice young woman into your prayer group. Then you start to molest them sexually when they are fully committed to your ministry. Then you keep a tight reign on them by threatening them that they will die if they inform on you. PW1, PW2 and PW3 were the only brave ones who stood against you, and revealed your dirty deeds in the courtroom.
 - (iii) Through your offendings, you had shown no regards to the complainant's rights not to be harmed. You have violated their trust in you. You have cunningly used the Bible to further your evil deeds.

9. The mitigating factors are as follows:
- (i) At the age of 55 years, this is your first offence;
 - (ii) You had been remanded in custody previously for 23 days
10. On count no. 1 (rape), I start with 13 years imprisonment. I add 5 years for the aggravating factors, making a total of 18 years imprisonment. I deduct 1 month for time already served, while remanded in custody, leaving a balance of 17 years 11 months. I deduct a further 1 year 11 months for been a first offender, leaving a balance of 16 years imprisonment.
11. I repeat the above process and sentence for the other rape offences, that is, counts no. 2, 3, 5 and 7.
12. On count no. 8 (attempted rape), I sentence you to 5 years imprisonment.
13. On count no. 4 (indecent assault), I sentence you to 2 years imprisonment.
14. I repeat the sentence in count no. 4 for counts no. 6, 9 and 10.
15. In summary, your sentences are as follows:
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| (i) | Count No. 1 | : | Rape | : | 16 years imprisonment |
| (ii) | Count No. 2 | : | Rape | : | 16 years imprisonment |
| (iii) | Count No. 3 | : | Rape | : | 16 years imprisonment |
| (iv) | Count No. 4 | : | Indecent Assault | : | 2 years imprisonment |
| (v) | Count No. 5 | : | Rape | : | 16 years imprisonment |
| (vi) | Count No. 6 | : | Indecent Assault | : | 2 years imprisonment |
| (vii) | Count No. 7 | : | Rape | : | 16 years imprisonment |
| (viii) | Count No. 8 | : | Attempted Rape | : | 5 years imprisonment |
| (ix) | Count No. 9 | : | Indecent Assault | : | 2 years imprisonment |
| (x) | Count No. 10 | : | Indecent Assault | : | 2 years imprisonment |
16. Because of the totality principle of sentencing, I direct that the sentences in count no. 1, count no. 4 and count no. 6, will be made consecutive to each other, making a total sentence of 20 years imprisonment. All the other sentences will be made concurrent to the above sentence, making a final sentence of 20 years imprisonment.

17. Mr. Jone Rabuno Cokanauto, for raping, attempting to rape and indecently assaulting the 4 complainants mentioned in the information from 2005 to 2012 at Taveuni and Nasinu, I sentence you to 20 years imprisonment, with a non-parole period of 19 years imprisonment, effective forthwith.
18. Pursuant to section 4(1) of the Sentencing and Penalties Act 2009, the above sentence is designed to punish you in a manner that is just in all the circumstances. It is also designed to protect the community from people like you. The sentence is also a warning to religious leaders who distort the teaching of the holy books to advance their evil sexual desires. The court will come down hard on you. The sentence is also to signify that the court and the community denounce what you did to the four complainants from 2005 to 2012.
19. The names of the four complainants in this case are permanently suppressed to protect their privacy.
20. You have 30 days to appeal to the Court of Appeal.





Salesi Temo
JUDGE

Solicitor for State : Office of the Director of Public Prosecution, Suva.
Solicitor for Accused : S. Valenitabua, Barrister and Solicitor, Suva.