

IN THE HIGH COURT OF FIJI
AT LAUTOKA
CRIMINAL JURISDICTION

Criminal Case No. 220 of 2013

STATE

V

VILIAME WAQANIVATU

Counsel : Ms. S. Kiran for the State
Ms R. Varasikete with Mr. E. Maope for the
accused.

Dates of Trial : 19th, 20th February 2018
Date of Judgment: 21st February 2018

JUDGMENT

- 1.] The accused has been tried in this court on one count of Rape and one count of Attempting to Pervert the Course of Justice.
- 2.] Three assessors returned with unanimous opinions of guilty on both counts.
- 3.] The thrust of the prosecution case came from the victim herself ("Mere", not her real name). Mere told the Court that on the 27th October 2012, she had been drinking grog and alcohol with friends and at the last drinking place (at Nadi nightclub) she met and spent time with the accused. After the Club closed he asked her to accompany him to his quarters to get money. The

accused was a police officer staying in the Namaka Barracks. He took her to a room there where he raped her.

- 4.] After he left her there she went outside, saw a Police Officer and immediately told him that she had been raped.
- 5.] In the ensuing days, attempts were made by the accused, his wife and a policeman friend to make Mere withdraw her complaint, persistent attempts which lead to the second count.
- 6.] A Senior Police Officer gave evidence that Mere came to him in frustration and reported the rape to him.
- 7.] The accused elected to remain silent in his defence.
- 8.] Mere was a determined and confident witness and remained so under cross-examination. A couple of inconsistencies between her evidence and her Police statement were minor and not surprising since the event and the statement dated back five years and six months.
- 9.] The Court believed her evidence and the consistency of her claim evidenced by the recent complaint and on the basis of her evidence alone, I find that the State has satisfied the burden of proof to the required standard.
- 10.] I accept the assessors' opinions and find the accused guilty on both counts. He is convicted on each count accordingly.

11.] That is the judgment of the Court.



**P.K. Madigan
Judge**

**At Lautoka High Court
21st February, 2018**