

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

**Criminal Case No. HAC 133 of 2022**

**BETWEEN** : **STATE**

**AND** : **TEVITA QAQA KAPAWALE**

**Counsel** : **Ms T Sharma & Mr E Samisoni for the State**  
**Accused in person**  
**Mr T Ravuniwa as a friend of the Court**

**Judgment** : **11 July 2025**

**Mitigation/Submissions** : **29 July 2025**

**Sentence** : **12 August 2025**

**SENTENCE**

- [1] Tevita Qaqa Kapawale, you appear today for sentence.
- [2] You have been found guilty of five counts of murder, one count of attempted murder, and one count of criminal intimidation.
- [3] On 8 May 2021, you went to sea for two weeks on a fishing boat with seven other crew. It was your first time working on a fishing boat. Three of the crew were Indonesian nationals while the four others were from Fiji. According to the two crew who survived the trip, the events up to 17 May 2021 were largely uneventful.

- [4] That all changed on the evening of 17 May, in the early hours of 18 May 2021, while the crew were pulling in that day's catch. For whatever reason, (and I do not accept that you were provoked or that you were at any risk of harm from the other crew members) you armed yourself with an axe. While the other crew were concentrating on their individual tasks you brought terror and violence onto the boat. You began by striking Qiritivabea Cagilabakomeli (**Qiri**)<sup>1</sup> to the head with the axe. You then struck Alfat Kodri<sup>2</sup> with the axe. Both crew members were seriously injured or killed by the blows with the axe. You turned your attention to the other crew. Mitieli Cama was in the fish hold. He heard the attack and came up to see what was happening. You threatened him with death if he came out of the hold. Sensibly, he decided to remain inside. That decision saved his life.
- [5] Kaminieli Cama became aware of the attack after you had struck Qiri with the axe. He fled to the front of the boat. Samuela Sukera<sup>3</sup> and Eme Warma<sup>4</sup> were not so fortunate. You forced both to make a choice, either stay on board and be struck with the axe or jump overboard into the sea in the middle of the night, 90 kilometres from the nearest land. Having seen the violence brought upon Qiri and Alfat, they took their chances in the sea. The final victim to meet his end at your hands was the captain, Benjamin Samuel Matitaputty<sup>5</sup>, who you threw overboard into the ocean. You will have known that the three persons who you forced into the sea stood no chance of survival and that they would drown. You threw the dead, or seriously injured, bodies of Qiri and Alfat into the sea.
- [6] You then turned your attention to Kaminieli Cama. You searched the small boat for him and found him hiding in the engine room. You intended to also kill him, but he escaped death by locking himself inside the engine room.
- [7] The events will have been terrifying to the two crew who survived. The deaths to Qiri and Alfat were likely to have been brutal and quick. The other three crew who will have drowned will have initially been hopeful of a rescue, but with the struggle to remain afloat without a life jacket, they will have resigned themselves to death aware that they would not see their loved ones again.

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<sup>1</sup> Aged 42 years.

<sup>2</sup> Aged 37 years.

<sup>3</sup> Aged 28 years.

<sup>4</sup> Aged 46 years.

<sup>5</sup> Aged 44 years.

- [8] The mandatory sentence for murder and attempted murder is life imprisonment. The only decision I have to make is to set a minimum term of imprisonment that you must serve before a pardon may be considered.<sup>6</sup>
- [9] In determining the minimum term there are several steps I must follow.<sup>7</sup> The first step is to assess the seriousness of the murders and identify whether they fall into the category of extremely high, high or low. The State argues that the extremely high category is the correct category for your offending. I agree. The reason is that you murdered five people. The murders were brutal, cruel and cold blooded.
- [10] The minimum term range for the extremely high category is between 20 to 30 years imprisonment. The starting point is **25 years imprisonment**.
- [11] The next step is to weigh up the aggravating and mitigating factors.
- [12] The aggravating factors here are that there was some degree of planning or premeditation. You hatched a plan that stood the best chance of overcoming the entire crew. That plan involved arming yourself with an axe and attacking the crew when they were vulnerable – in the early hours near the end of the shift. While you murdered five crew, that number would have been seven had the other two crew not acted to save their own lives. The other aggravating feature is that the none of the bodies were able to be retrieved. This has had serious consequences for the families of the victims you killed. They have not been able to have closure or a proper funeral. There have been financial consequences for them as well.
- [13] I have read each of the victim impact statements, for the two crew who survived as well as the families of those that did not. You will have heard what some of them said in court at your sentencing hearing. The two survivors remain living in a psychological prison haunted by the events that night. They have not been able to return to work on a fishing

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<sup>6</sup> In doing so, I will take an aggregate of all the counts, including criminal intimidation which carries a maximum sentence of 5 years imprisonment.

<sup>7</sup> These are set out by the Court of Appeal in *Vuniwai v State* [2024] FJCA 100 (30 May 2024).

boat. They have suffered financially. They have also faced the stigma of your allegations against them.

- [14] The families of the five victims are, understandably, filled with anger and grief. Samuela left behind a wife and 10 month old son. His son will grow up never knowing his father. Samuela's wife states that she has a deep aching sorrow from losing her husband and that the murder of her husband has shattered her life and their family's future. Qiri was well loved by his siblings and niece. They relied on him financially. They spoke of a man who was generous with his time, his emotional support and his financial assistance. They suffer thinking about the last moments of his life. You will have heard the emotion from Qiri's older brother who spoke at the sentencing hearing.
- [15] I have received victim impact statements for the wives of two of the Indonesian victims, the captain, Benjamin Matitaputty and Eme Warma. They also speak of anger and grief as well as shock – that Captain Benjamin was killed by his own crew. One has suffered a mental breakdown. Their children face being bullied. Captain Benjamin's wife expressed anger that her husband was *'thrown into the sea like an animal whose life is worthless'*. The wives (and their families) relied on their husband's income to survive. They and their children have suffered considerably. Without a body, they cannot obtain a death certificate and, as such, they cannot access financial assistance.
- [16] I add five years for these aggravating features taking your minimum term to **30 years imprisonment**.
- [17] In terms of the mitigating factors, you have shown no remorse. You defended the charges despite previously admitting to others your role in the murders. This has caused further anguish not only to the two survivors but the family members of the murder victims. It appears that you have not accepted the verdict of this Court and you refused to speak at the sentencing hearing or instruct a lawyer to speak on your behalf. As you have two previous convictions in November 2020 and March 2021, both for assault causing actual bodily harm, I am unable to give you any credit for being of previous good character. The only mitigating factor for you is that you are relatively young. You are 32 years old and 28 years when you committed the offences. I deduct two years for this mitigating factor, taking your minimum term to **28 years imprisonment**.

- [18] You have served about 22 months on remand.<sup>8</sup> I deduct the time on remand from your minimum term, resulting in a minimum term of **26 years and 2 months**.
- [19] The final step is proportionality. This involves standing back and considering whether the outcome of the process that I have followed has resulted in the right sentence. In doing so, I have also considered sentences in other cases similar to yours where there were multiple murders. I have given consideration to the State's position that the brutality of the multiple murders committed by you warrants a minimum term of 40 to 50 years.
- [20] Four previous cases are worth mentioning.
- *State v Chand* [2006] FJHC 567 (19 May 2006) involved the murder of three female teenagers. Chand had romantic notions for one of the teenagers which he killed out of jealousy. The other two were murdered to hide the first murder. Chand lured the three victims to a picnic and brutally killed them. He was given a minimum term of 19 years which was upheld by the Court of Appeal.
  - In *State v Isoof* [2022] FJHC 21 (21 January 2022), Isoof was convicted of poisoning five people. The victims were from the same family and close friends of Isoof. He was given a minimum term of 20 years.
  - *State v Chand* [2013] FJHC 385 (9 August, 2013) involved the brutal killing of two young men. Chand hacked them to death with a cane knife. The young men were lured to their deaths by the promise of drinking alcohol. Chand was upset that one of the young men had romantic notions for his niece. Chand received a minimum term of 25 years which was upheld by the Court of Appeal.
  - In *State v Prasad* [2017] FJHC 115 (15 February 2017) Prasad was convicted of five murders, arson, attempted murder and damaging property. He had had a disagreement with his wife and had set fire to her and the house she was staying

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<sup>8</sup> For the period from 5 April 2022 to 2 December 2022 and from 7 June 2024 to the present.

at. The fire killed Prasad's wife, their 10 year old daughter, his wife's father and two tenants. Prasad received a minimum term of 28 years.

- [21] I am satisfied that the minimum term of 26 years and 2 months for you is in keeping with the other sentences and is proportional to the seriousness of the five murders committed by you.
- [22] Mr Kapawale, would you please stand.
- [23] You have cruelly taken the lives of five people in the prime of their lives. Their last moments will have been filled with terror and hopelessness. Their families must live with those thoughts and the grief. They have suffered terribly because of the senseless killing.
- [24] I make the following orders:
- i. I sentence you to a term of imprisonment for life on each count of murder and attempted murder, to be served concurrently, with a minimum term of 26 years and 2 months before a pardon may be considered.
  - ii. You have thirty (30) days to appeal to the Court of Appeal.

  
D. K. L. Tuiqereqere  
JUDGE



**Solicitors:**

Office of the Director of Public Prosecutions for the State  
Office of the Legal Aid Commission as friend of the court