

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

**Criminal Case No.: HAC 103 of 2022**

**STATE**

**V**

**SAULA MANAWI**

**Counsel** : Mr. T. Tuenuku for the State  
: Mr. I. Rusaqoli for the Accused

**Date of Trial** : 28 – 29 August 2025  
**Date of Judgment** : 11 November 2025  
**Date of Sentencing Hearing:** 12 December 2025  
**Date of Sentence** : 19 December 2025

**SENTENCE**

1. **Mr. Manawi**, on 11 November 2025, after trial before this Court, you were convicted of two counts of rape of a child under the age of 13 years. To protect the victim’s identity, I shall refer to her as “V” in these sentencing remarks. She was around 11 years of age at the time that you raped her.
2. The factual basis upon which I sentence you today is set out in my Judgment dated 11 November 2025. For present purposes, it is sufficient to set out those facts in brief summary.
3. On the same occasion on a date between 1 January 2021 and 31 December 2022, you penetrated V’s anus with your penis (count1) and penetrated V’s mouth with your penis (count 2). V’s parents left her and her siblings in the

care of your mother when they went to uproot yaqona in the forest. The bell rang for devotion at around 6pm, after which V had dinner together with you and your family. After dinner, your mum told V to go and get a pot from her home for her father's food. She took a torch as it was dark. As she put the torch on the kitchen sink, she felt someone hold her shoulders from behind. She turned and saw you. You said to her that if she told anyone about what you were about to do to her you would slap her. V was scared when you said that. You then told her to take off her clothes. You bent V over and removed her pants and panty. You took off your pants and underwear and put your penis into her anus. She felt pain and told you not to do it, but you continued for a while. You then made her lie on the kitchen floor and wanted to put your penis in her vagina. You then made her kneel, and you put your penis in her mouth. You then told her to get up, get dressed, and to take the pot to your mother.

4. I must now proceed to impose a just and proportionate sentence for the totality of your offending. My task is made more complex than it need have been by the fact that, on 7 December 2023, you were convicted and sentenced to 3 years' imprisonment, suspended for 3 years, upon your plea of guilty to a count of indecently assaulting V on the same occasion that I have found you also twice raped her (count 1 on the Information dated 19 October 2022 – “the Original Information”). I shall return to this when I come to address the principle of totality below.

#### **Prosecution sentencing submissions**

5. The prosecution has made helpful written and oral submissions. Mr. Tuenuku has drawn my attention to the relevant guideline judgment, and has also urged upon me factors which he says makes your offending substantially more serious. You are V's cousin brother and she had been entrusted to the care of your mother when her parents went to the forest. You were 9 years older than her when you raped her. Mr. Tuenuku makes the point that older people are expected to be protectors of young members of society and not become

their sexual abusers. You threatened V in order to avoid responsibility for your offending against her. This increased the harm caused to her as she had to suffer in silence. V's Victim Impact Statement highlights the sense of isolation and shame that your offending caused her.

### **Defence sentencing submissions**

6. On your behalf, Mr. Rusaqoli has told me something about your background. You are now 24 years of age and enrolled at Tutu Marist Training Centre under the young farmers program. Prior to enrollment, you were working to support your single mother and school – age siblings. Mr. Rusaqoli informs me that you are remorseful for what you did to V. In admirably focused submissions, Mr. Rusaqoli asks the Court to have regard to your youth. You were only 19 years old when you raped V, and Mr. Rusaqoli reminds me of the scientific research on the development of young brains.

### **Discussion**

7. I take note of what seems to be a concerning upward trend of children and young people sexually abusing younger children. This poses particular problems for lawmakers and sentencing courts. Whilst in some quarters there have been calls for more severe sentences to be imposed on sex offenders, there has been a countervailing view when it comes to offending by children in conflict with the law. This is best illustrated by the passage of the landmark Child Justice Act 2024 (yet to come into force) which is said to apply *“a new approach to how Fiji engages with children in conflict with the law, one that moves away from a focus on criminalisation to intervention and rehabilitation, from punishment to restoration, from stigma to support, from exclusion to reintegration, and to highlighting care over incarceration.”*
8. Plainly, there is a tension between the laudable aims of the Child Justice Act 2024 and the constitutional imperative to protect children from abuse, including by the imposition of just and proportionate sentences on those who sexually abuse children. How are sentencing courts to strike the right balance

when sentencing children and young people who have committed serious sexual offences against younger children?


9. In this case, I am required to impose an appropriate sentence on a young offender of 19 years of age when he twice raped his 11-year-old relative. In doing so, I remind myself that it is now well-established by case law that the young age and/or lack of maturity of an offender do not cease to have any relevance on his or her 18th birthday. Full maturity and all the attributes of adulthood are not magically conferred on young people on their 18th birthdays. Experience of life reflected in scientific research is that young people continue to mature, albeit at different rates, for some time beyond their 18th birthdays. The youth and maturity of an offender continue to be factors that inform any sentencing decision even if an offender has passed his or her 18th birthday.
10. The maximum sentence for rape is life imprisonment. The applicable tariff for rape of a child is 11 years' to 20 years' imprisonment.
11. Whilst sentences imposed by other sentencing courts provide broad guidance, there is a limit to the assistance that any sentencing court may glean from sentences imposed in other cases for similar offending. Every sentencing exercise is heavily fact specific, and must be approached as such.
12. It is also noteworthy that the accepted tariff for the offences you have committed is wide. My task is to determine a just and proportionate sentence that properly reflects the totality of your offending across both counts.
13. Turning my attention to the purposes of sentencing as set out in section 4 of the Sentencing and Penalties Act, I have had regard to a combination of the statutory purposes.
14. My principal focus in determining the just and proportionate sentence in this case is to ensure that the sentence I impose adequately signifies that the court and the community denounce the commission of sexual offending against children.

15. I have decided that the best way to achieve a just and proportionate sentence reflecting the totality of your offending against V is to take count 1 as the lead offence, and to enhance the sentence on that count to reflect the separate offending reflected in count 2.
16. In my view, the offending in count 1 is aggravated by a number of factors: the wide difference in your ages, your offending against V in her own home, the degree of planning in exploiting V's vulnerability, and your threats to V in order to evade responsibility for your actions. Your personal mitigation is limited to your absence of relevant convictions and, to some extent, your youth. Making all due allowance for your mitigation, it cannot come close to outweighing the adverse effect of the aggravating features. I do not consider your youth to have substantial mitigatory value in all the circumstances of this case.
17. Viewing count 1 in isolation, the lowest sentence that I could properly pass, from a starting point of 11 years, and taking into account the net effect of the aggravating and mitigating factors, is one of 12 years' imprisonment. I must adjust this to reflect the additional criminality attributable to count 2, the offence of oral rape.
18. I start by viewing count 2 in isolation. For the same reasons as I have given in relation to count 1, had count 2 stood on its own the appropriate sentence would have been 12 years' imprisonment.
19. What adjustment should be made in these circumstances to the appropriate sentence for count 1 to reflect the additional criminality of count 2? Put another way, to what extent does the offence of oral penetration make the overall seriousness of your offending conduct worse? Both offences were committed by you within a short period as part and parcel of one incident, with you raping V orally soon after you anally raped her. To some extent therefore it is right to regard the two offences as forming part of one single course of criminal conduct. Accordingly, on totality grounds it would be wrong in principle simply to aggregate the two sentences that would have been appropriate if each offence had stood on its own. That said, the oral rape was itself an equally

serious offence and your criminality was significantly greater by reason of you having committed the two offences than it would have been had you committed only one of them.

20. I have concluded that in all the circumstances of this case the appropriate sentence on count 1, to reflect your criminality across both counts, is one of 14 years' imprisonment.
21. As mentioned above, I cannot simply ignore the fact that you were sentenced to 3 years' imprisonment suspended for your offence of indecently assaulting V immediately before you raped her. Had I been sentencing you for the totality of your offending against V reflected in the three counts in the Original Information, I would have sentenced you to 14 years' imprisonment. It seems to me only fair that I should reduce that by 3 years to reflect the suspended custodial sentence of 3 years' imprisonment that you are currently serving. You have, therefore, substantially benefited from the earlier imposition of a suspended sentence for your related offending.
22. Accordingly, I sentence you as follows:  
  
Count 1: 11 years' imprisonment.  
Count 2: 11 years' imprisonment concurrent.
23. I am required to fix a period before which you may not be considered for parole. In practical terms this will be of far more concern to you than the head sentence I impose.
24. You are a young first offender, albeit the offences you have committed are of the utmost gravity. I do not consider it necessary or appropriate to 'warehouse' you. In my view, you should be given every opportunity to avail yourself of opportunities for rehabilitation.
25. On this basis, I consider that a non-parole period of 7 years 4 months would reflect the appropriate punitive element of your sentence, and also provide a reasonable incentive for rehabilitative efforts on your part.

26. I am informed that you were in custody from 20 September 2022 to 1 March 2023 when you were bailed. You have been in custody since 11 November 2025. In total, therefore, you have served around 7 months in custody pending disposal of this matter, which is to be regarded as a period of imprisonment that you have already served.
27. Accordingly, the remaining time you must serve before being eligible to be released on parole is 6 years 9 months.
28. **Mr. Manawi**, for the reasons I have explained, the sentence I impose is 11 years' imprisonment, less the time you have already served on remand. Your non-parole period is 6 years 9 months from today.
29. You may appeal to the Court of Appeal within 30 days.



Hon. Mr Justice Burney

**At Labasa**

19 December 2025

**Solicitors**

**Office of the Director of Public Prosecutions for the State  
Office of the Legal Aid Commission for the Accused**