

IN THE HIGH COURT OF FIJI

AT SUVA

[CRIMINAL JURISDICTION]

CRIMINAL CASE NO. HAC 060 OF 2025

BETWEEN : **STATE**

AND : **SAIRUSI UASIRO**

Counsel : **Ms S Bibi for the State**
Ms B Kinivuai for the Accused

Date of Hearing : **16 March 2026**

Date of Judgment : **19 March 2026**

Date of Sentence : **24 March 2026**

SENTENCE

Introduction

[1] Sairusi Uasiro, you appear for sentence having been convicted after trial of two counts of rape, contrary to section 207(1) and (2)(b) of the Crimes Act 2009. The complainant is your biological daughter, who was 13 years old at the time of the offending on 7 February 2025.

Circumstances of the offending

[2] The facts of the offending are set out in detail in my judgment delivered on 19 March 2026 and I will not repeat them in full. In summary, on the morning of 7 February 2025 at Naitata, Navua, you were at home with the complainant and her younger brother in a small corrugated-iron house.

[3] You deliberately contrived to be alone with your daughter in the bedroom by sending her brother to the kitchen with your mobile phone to watch videos. Once you had isolated her, you used the pretext of a stomach massage to manoeuvre her onto the bed, removed her clothes, and then penetrated her vagina with your finger (Count 1) and with your tongue (Count 2), without her consent.

[4] Your daughter was crying, scared and tried to resist you, but you persisted. She left the room several times in distress, before eventually fleeing to her grandmother and disclosing what you had done. You also attempted to silence her by telling her not to tell anyone and referring to land you said you had registered for her and her brother.

Sentencing principles

[5] The maximum penalty for each count of rape under section 207(1) of the Crimes Act is life imprisonment. In sentencing you I must apply the purposes and factors in section 4 of the Sentencing and Penalties Act 2009, including just punishment, protection of the community, deterrence, rehabilitation where possible, and denunciation of the offending.

[6] The Supreme Court in *Aitcheson v State* [2018] FJCA 29 has set the tariff for rape of a person under 18 years as between 11- and 20-years' imprisonment, with the precise sentence depending on the aggravating and mitigating features and time spent on remand. The Court of Appeal in *Koroivuki v State* [2013] FJCA has emphasised the need for uniformity and that the starting point should ordinarily be taken from the lower to middle range of the applicable tariff, before adjustment for individual factors.

[7] I also bear in mind the guidance in cases such as *Ram v State* [2015] FJSC 26 on aggravating factors in sexual offending, and the repeated appellate reminders

that offences of sexual violence against children are prevalent and call for stern sentences.

Aggravating factors

[8] The aggravating features of your offending are significant:

- The complainant was a child of 13 years, in Class 7 at the time.
- You are her biological father and were in a position of trust, authority and responsibility towards her.
- The offending occurred in the family home, a place where she was entitled to feel safe.
- You engineered the opportunity by sending your son away to the kitchen so that you could be alone with your daughter.
- There were two penetrative acts, digital and oral, committed in the course of a single sexual episode.
- You sought to deter disclosure by telling her not to tell anyone and invoking land that you said you had registered for her, thereby exploiting your parental authority.

[9] The victim impact material before the court speaks of the emotional and psychological trauma she has experienced, including fear, shame and a loss of trust. In cases of intra-familial rape of a child, the harm to the victim is inherently serious and often long-lasting.

Mitigating factors

[10] Mitigating factors are limited:

- You are 37 years old and by occupation a welder fabricator, with dependents from a previous and your current relationship.
- You have spent a period of approximately 5 months in pre-trial remand, which must be credited towards your ultimate term.

[11] You chose to exercise your right to trial, put the complainant to give evidence and maintained your denial. You are entitled to do so, but it means there is no utilitarian discount for an early plea, and there is no demonstrated remorse or insight into your offending. There were no additional acts of physical violence beyond the rapes themselves, and no use of weapons or alcohol to stupefy the child, but those neutral features do not substantially mitigate the inherent gravity of raping one's own 13-year-old daughter.

[12] You have no material positive steps towards rehabilitation placed before the court.

Starting Point, Adjustments and Concurrency

[13] Having regard to the tariff in Aitcheson, the nature and gravity of this offending, and current sentencing practice, I consider that the appropriate starting point for the totality of your offending is 16 years' imprisonment. The combination of the victim's age, the parental relationship, the deliberate isolation of the child, the two penetrative acts and the impact on her places this case in the upper mid-range of the 11–20-year tariff.

[14] There is little in the way of personal mitigation. Allowing a modest reduction of 7 months to reflect your personal circumstances and the absence of additional

physical violence, the sentence is reduced to 15 years and 5 months. I then deduct five months for time spent on remand, as required by section 24 of the Sentencing and Penalties Act, resulting in an effective term of 15 years' imprisonment.

[15] On each of Counts 1 and 2 I impose the same term of 15 years' imprisonment. The two offences were committed in the course of one episode against the same victim, and it is appropriate, applying the totality principle and section 22 of the Sentencing and Penalties Act, that the sentences be served concurrently. A cumulative sentence is not required to reflect the total criminality.

Non-Parole period and Ancillary Orders

[16] Given the seriousness of this offending, the breach of parental trust, the vulnerability of the complainant and the need for specific and general deterrence, I fix a non-parole period of 12 years. This means you must serve at least 12 years before you may be considered for release on parole, although whether and when you are released will be a matter for the relevant authorities at that time.

[17] To protect the complainant, I make the following further orders:

- i. A permanent name suppression order is made in respect of the complainant, prohibiting the publication of any information likely to lead to her identification.
- ii. A permanent Domestic Violence Restraining Order is issued in favour of the complainant, with no-contact and non-molestation conditions.

[18] You will be advised of the detailed terms of the restraining order. Breach of that order would constitute a separate criminal offence.

Final Orders

- [19] On each of Counts 1 and 2, you are sentenced to 15 years' imprisonment, to be served concurrently. A non-parole period of 12 years is fixed.
- [20] You have the right to appeal to the Court of Appeal within 30 days from the date of this sentence.



A handwritten signature in blue ink, appearing to be "D. Goundar", written over a dotted line.

Hon. Mr Justice Daniel Goundar

Solicitors:

Office of the Director of Public Prosecutions for the State

Legal Aid Commission for the Accused