

IN THE HIGH COURT OF FIJI
AT SUVA
CRIMINAL JURISDICTION

CRIMINAL CASE NO. HAC 56 OF 2014

BETWEEN:

**FIJI INDEPENDENT COMMISSION AGAINST
CORRUPTION ("FICAC")**

COMPLAINANT

AND:

1. ANA LAQERE
3. AMELIA VUNISEA
4. LAISA HALAFI
5. VACISEVA LAGAI
6. VILISI TUITAVUKI
7. KINIVILIAME TAVIRAKI
8. SHELVEEN NARAYAN

DEFENDANTS

Counsel: Mr. R. Aslam, Ms. A. Lomani, Ms. L. Bokini	—	For FICAC
Mr. A. Vakaloloma	—	For 1 st Accused
Mr. A. Vakaloloma	—	For 3 rd Accused
Mr. A. Vakaloloma	—	For 4 th Accused
Ms. P. Lal	—	For 5 th Accused
Ms. N. Mishra	—	For 6 th Accused
Mr. A. Vakaloloma	—	For 7 th Accused
Mr. P. Niubalavu	—	For 8 th Accused

Hearing: 23rd, 24th, 27th and 28th February 2017
1st, 2nd, 3rd, 6th, 7th, 8th, 9th, 10th, 13th, 14th, 20th, 21st, 22nd, 23rd, 24th, 27th, 28th,
29th, 30th 31st March 2017
3rd, 6th, 7th, 10th, 11th, 12th and 13th April 2017

Summing Up : 01st May 2017

Judgment : 04th May 2017

Sentence : 10th May 2017

SENTENCE

Introduction

1. **Ms. Ana Laqere**, you have been found guilty and convicted for one count of Abuse of Office, contrary to Section 139 of the Crimes Act and thirty five (35) counts of Causing a Loss, contrary to Section 324(2) of the Crimes Act.
2. **Ms. Amelia Vunisea**, you have been found guilty and convicted for one count of Abuse of Office, contrary to Section 139 of the Crimes Act and thirty four (34) counts of Causing a Loss, contrary to Section 324(2) of the Crimes Act.
3. **Ms. Laisa Halafi**, you have been found guilty and convicted for one count of Abuse of Office, contrary to Section 139 of the Crimes Act, thirteen (13) counts of Causing a Loss, contrary to Section 324(2) of the Crimes Act and one count of Obtaining a Financial Advantage, contrary to Section 326 (1) of the Crimes Act.
4. **Ms. Vaciseva Lagai**, you have been found guilty and convicted for one count of Abuse of Office, contrary to Section 139 of the Crimes Act and nine (9) counts of Causing a Loss, contrary to Section 324(2) of the Crimes Act.
5. **Ms. Vilisi Tuitavuki**, you have been found guilty and convicted for one count of Abuse of Office, contrary to Section 139 of the Crimes Act and five (5) counts of Causing a Loss, contrary to Section 324(2) of the Crimes Act.
6. **Mr. Kiniviliame Taviraki**, you have been found guilty and convicted for one count of Abuse of Office, contrary to Section 139 of the Crimes Act and two (2) counts of Causing a Loss, contrary to Section 324(2) of the Crimes Act.
7. **Mr. Shelveen Narayan**, you pleaded guilty on your own free will for one count of Obtaining a Financial Advantage, contrary to Section 326 (1) of the Crimes Act. Having satisfied that you have properly comprehended the legal effects of your plea and your plea was voluntary and free from any influence, I now convict you for this offence.

Background

8. It was proved at the conclusion of the hearing that the first six accused persons, while performing and discharging different duties and responsibilities at different stages in the procurement process, have facilitated these one hundred and one (101) false transactions of purchasing stationery and hardware materials to the DECE. In doing so, they have committed these offences of Abuse of Office, Causing a Loss and Obtaining a Financial Advantage.
9. During these one hundred and one (101) transactions, the Accounts Section of DECE had paid 60 cheques, totaling to the full amount of \$362,944.37 to Shavel Stationery, OnTime Stationery and Phoenix Hardware, all of them owned by Mr. Shelveen Narayan, the eight accused. In the meantime Mr. Narayan, the eight accused had given the fourth accused, Ms. Laisa Halafi a sum of \$65,200 for her role in arranging and organizing these false payments. The said money had been deposited by Mr. Shelveen Narayan into the bank account of the late husband of Laisa Halafi
10. It was further proved, that Ms. Ana Laqere had signed all of these cheques as the counter signatory. Ms. Amelia Vunisea, as the signatory, had signed in fifty nine (59) cheques. Ms. Laisa Halafi had checked and signed the Payment Vouchers pertaining to thirteen (13) transactions. Ms. Vaciseva Lagai had certified the payments in Payment Vouchers pertaining to nine (9) transactions, while Ms. Vilisi Tuitavuki had checked and signed in the Payment Vouchers pertaining to five (5) transactions as "pass for payment". Mr. Kiniviliame Taviraki had raised two requisition orders pertaining to two (2) of these transactions.
11. Apart from that it was proved that Ms. Vilisi Tuitavuki as the Cashier, had issued number of manually written cheques in relation to some of these transactions. She has then entered wrong figures and details in the Payment Cash Book pertaining to two of these cheques. Ms. Vaciseva Lagai had signed and approved printed Purchase Orders when they were approved by Ana Laqere in FMIS.

Tariff

12. All of these offences are founded on the ground of corrupt activities of public officers. Undoubtedly, offences of this nature committed by the public officers adversely and seriously affect the very fundamental fabric of the society. Public officers are the intermediary link between the State and Public. They are appointed to implement and provide the duties, responsibilities and the protection undertaken by the State towards the public. In pursuant of a collective social contract between the State and the Public, the public hand over their individual and collective rights to the State, entrusting the State the responsibility and duty to provide and protect those rights of the public. This Social Agreement, provides the legitimacy for the functioning of the State. Hence, it is paramount to the State to maintain high standard of transparency and integrity in performing its duties and responsibilities through the public officers. Otherwise, the trust and the confidence entrusted by the public on the State would erode, leading to a catastrophic end of the State and the society.

13. The Fiji Court of Appeal in Naiveli v The State (Criminal Appeal No 2 of 1992) expressed its view about the importance of the principle of deterrence in sentencing offenders of this nature in an emphatic manner. The Fiji Court of Appeal in Naiveli (supra) held that;

"We wish to make it clear however that people in high office who abuse their power may well in the future be required to serve an immediate prison sentence. This comment should serve as notice to any such people that the courts are not prepared to regard such offenses lightly and that they will not suspend sentence just because the consequences for such a person are severe".

14. In view of the seriousness of the offences of this nature and its adverse effects on the public and the State, it is my view that the court in sentencing offenders of this nature must impose heavy and severe punishment. Accordingly, the main purpose of this sentence is founded on the principle of deterrence and protection of the community.

15. Having considered the serious nature of these offences, I now turn on to discuss the applicable tariff limit for these offences.

Abuse of Office

16. It was proved at the conclusion of the hearing that each of these six accused have committed the offence of Abuse of Office for gain. Hence, the maximum penalty is seventeen (17) years of imprisonment.
17. The learned counsel for the prosecution and the defence submitted in their respective sentencing and mitigation submissions that there is no settled tariff for the offence of Abuse of Office under the Crimes Act.
18. The offence of Abuse of Office for gain under the repealed Penal Code carried a maximum sentence of three (3) years imprisonment. The tariff under the repealed Penal Code ranges from probation orders to imprisonment sentences. The present Crimes Act, has increased the maximum penalty for the offence of Abuse of Office for gain to seventeen (17) years imprisonment, which is nearly six times higher than the previous penalty. Therefore, the court must not rely on the previous tariff limit as it could defeat the purpose of the legislation in increasing the maximum penalty.
19. The maximum sentence for the offence of Fraud by Abuse of Position under the Fraud Act of UK 2006 is ten (10) years imprisonment. The tariff ranges from discharge to eight (8) years imprisonment. Although this court could not rely on the tariff limit set down by the Sentencing Council of UK as the maximum penalty in UK is different to its counterpart penalty in Fiji, I find the recommendations and the approaches adopted in UK would assist in order to appropriately determine the tariff limit.
20. Justice Shameem in State v Kunatuba (HAC 018 of 2006) has adopted 2 1/2 years as the starting point, which is merely six months less than the maximum penalty of three years. In Kunatuba (supra) the offender was employed as the Permanent Secretary for the Ministry

of Agriculture and charged for an offence of abuse of public funds in millions. Her Ladyship held that;

"I consider this case to be the most serious abuse of office case in the Fiji courts thus far. I say this on the basis of the amount of money spent on what was an unauthorized scheme. I also assess its seriousness on the basis of your position of seniority in the public service. The more senior the officer, the greater is the breach of trust. On count 1, I pick as my starting point 2 1/2 years imprisonment"

21. Justice Winter in State v Sorovakatini [2007] FJHC 32; HAC018.2005 (26 September 2007) held that;

"In Kunatuba, Shameem J, bearing in mind the statutory maximum of 3 years, set a starting point for the departmental secretary of 2:1/2 years. I agree with her honour. This is an appropriate way to begin the penalty calculation in Fiji for a senior civil servant to be sentenced for abuse of office.

Parity in sentencing will require me to adjust this starting point for you as I find your culpability was less than that of the head of your department. I start at 2 yrs. The aggravating features of your offending including the extent of loss to the Government of Fiji, the High Level of your Office, the gross breach of trust and the amount of your personal gain must mean an increase to that starting point of one year. Leaving an aggravated total of three years imprisonment.

22. In State v Bola [2005] FJHC 236; HAC0029S.2005S (22 August 2005), the accused was sentenced to 200 hours of community work and a fine of \$2000. In this case, the accused was employed as an Immigration Officer who has abused his authority in order to facilitate a passenger to enter into the country.

23. Justice Goundar in **Fiji Independent Commission Against Corruption v Mau [2011] FJHC 222; HAC089.2010 (14 April 2011)** sentenced the second accused who was charged with abuse of office for gain, for a period of twelve (12) months imprisonment. The accused being the Director of the Fiji Post Limited has purchased a clock for a sum of \$75,000 from the company owned by him without following the correct tender procedure.
24. In view of above sentencing precedents, it appears that the courts of Fiji have considered the level of authority and trust reposed in the position held by the accused, and the level of prejudice caused to the victim in sentencing. If the level of authority and trust, and the prejudice caused are high, the court could go to the higher starting point and *vice versa*.
25. I would like to adopt the same approach in setting an appropriate tariff, allowing the sentencing court to determine the appropriate starting point based on the level of culpability and the prejudice/ harm caused. Accordingly, I find a tariff limit of one (1) year to twelve (12) years would adequately serve the above purpose. The sentencing court could consider the following ranges of starting point based on the level of culpability and the harm caused;

	High Level of Culpability	Medium Level of Culpability	Lesser Level of Culpability
High Level of Harm/ Prejudice with gain	8-12	6-10	4-8
Medium Level of Harm/ Prejudice either with medium level gain or without gain	6-10	4-8	2-6
Lesser Level of Harm/ Prejudice either with less gain or without gain	4-8	2-6	1-4

26. In order to determine the level of culpability, the court could consider the following factors; however, this is not an exhaustive list. They are:
- i) The level of contribution or the influence made by the accused in the commission of the offence,
 - ii) The level of authority, trust and the responsibility reposed in the position held by the accused,
 - iii) Has the accused influenced or pressured others to involve in the offence,
 - iv) Nature and the manner in which the offence was committed or planned,
 - v) Number of victims,
 - vi) Whether the accused involved in the offence through force, coercion, exploitation or intimidation,
 - vii) Not motivated by personal gain,
 - viii) Opportunistic "one-off" offence with little or no planning,
27. The level of harm/prejudice can be determined by considering the level of gain and the impact on the victim.

Causing a Loss

28. The maximum penalty for the offence of Causing a Loss contrary to Section 324 (2) of the Crimes Act is five (5) years of imprisonment.
29. Justice Madigan in Fiji Independent Commission Against Corruption [FICAC] v Mohammed [2015] FJHC 479; HAC349.2013 (24 June 2015) sets out the tariff for Causing a Loss, where His Lordship held that;

"Causing a loss is again a mirror image of obtaining a financial advantage in a case of corruption; then as with that obtaining offence the tariffs for this offence can be split between causing a loss (simpliciter) and causing a loss where there is bribery or corruption involved."

The tariff for general dishonesty for causing a loss could be fixed at between suspended sentence to 4 years with suspended sentences to be passed for very small losses caused unwittingly.

Causing a loss when proved in conjunction with a generating corruption offence will attract the higher tariff of 4 to 5 years.

Obtaining a Financial Advantage

30. In *Fiji Independent Commission Against Corruption [FICAC] v Mohammed (supra)* Justice Madigan has discussed the tariff limit for the offence of Obtaining a Financial Advantage, contrary to Section 326 (1) of the Crimes Act, where his lordship held that;

"There is much authority to dictate that the tariff for "Obtaining Financial Advantage by Deception" (s. 318) lies between 2 to 5 years but a tariff has never been set for the present offence. It is a summary offence and for that reason the tariff cannot be set too high. Absent the element of deception, the tariff should be 2 to 4 years but in cases where the obtaining is linked to a far more perfidious crime then the sentence for that crime should flow on to the sentence for the obtaining offence. This will apply particularly where a financial advantage has been obtained through corruption. Therefore if this offence is charged alone the tariff of 2 to 4 years should apply but if charged in conjunction with another "enabling "offence, it will adopt the sentencing tariff for that particular offence"

31. In this case, the fourth and eight accused have been separately charged for one count of Obtaining a Financial Advantage.

Starting Point

Ana Laqere & Laisa Halafi

32. It was proved that Ms. Laqere and Ms. Halafi were the main perpetrators of these crimes. Ms. Halafi has organized and facilitated these false transactions with Mr. Shelveen

Narayan. She was the one who mainly coordinated the movement of documents and cheques between the DECE and Mr. Narayan. Hence, the level of culpability of Ms. Halafi is very high.

33. Ms. Laqere had a greater responsibility to protect the public funds *via* her official position. She was entrusted with great amount of responsibility in order to ensure the proper and accurate procurement process. Instead of doing so, she manipulatively used her responsibilities and authority in order to commit these crimes. She is the mastermind behind this scam, while Laisa Halafi acted as the liaison of it. In doing that they have facilitated these sixty false payments to materialize, totaling to the full amount of \$362,944.37. Both of you with the assistance of other accused have carried out this crime over the period of nearly five months.
34. Accordingly, I find the level of culpability and the prejudice caused by these two accused fall within the highest range of tariff limit. In view of that, I select 8 years as the starting point for the offence of Abuse of Office for each of them. I further determine 4 years as the starting point for each counts of Causing a Loss. In respect of the offence of Obtaining a Financial Advantage, I select 4 years as the starting point.

Amelia Vunisea

35. Ms. Amelia Vunisea, you have signed 59 cheques in abuse of the authority given to you as a signatory of the cheques of DECE. In doing that, you have facilitated the false payments amounting to total value of \$359,147.27. You were based at the Mechanical Section and only involved in these transactions by signing these cheques. Hence, I determine seven (7) years for the offence of Abuse of Office and four (4) years for the each count of Causing a Loss.

Vaciseva Lagai

36. Ms. Vaciseva Lagai, you held a senior position in the Accounts Section as the Assistant Accounts Officer. You certified false payment vouchers pertaining to nine counts of Causing a Loss. Apart from that you have signed printed purchase orders when they were

approved by Ana Laqere online. By doing these, you have caused a loss of \$70, 873.14 to PWD. Having considered the level of culpability and the harm, I determine seven (7) years for the offence of Abuse of Office and four (4) years for each counts of Causing a Loss.

Vilisi Tuitavuki

37. Ms. Vilisi Tuitavuki, you being the Cashier, held a very important and responsible position in the procurement process. Apart from that you have checked and verified payment vouchers pertaining to five counts of Causing a Loss. Consequently, you have contributed to cause a loss of \$13, 902.94 to the PWD. You have falsely entered details of payments into the Cash Payment Book and raised number of manual cheques in violation of regulations. Thus, you actively participated in committing these offences. Accordingly, I determine seven (7) years as the starting point for the offence of Abuse of Office and four (4) years for each count of Causing a Loss.

Kiniviliame Taviraki

38. Mr. Taviraki, having considered your level of culpability and harm caused in these offences, I determine five (5) years as the starting point for the offence of Abuse of Office and four (4) years for each count of Causing a Loss.

Mr. Shelveen Narayan.

39. You are the other main player in this scam. Your contribution in committing these crimes is very high. You provided main assistance from outside to these offenders in the DECE in order to carry out this crime. You received the full amount of money made through these false transactions, thus causing a loss of \$362,944.37 to the PWD. Hence, your level of culpability and harm caused is very high. I accordingly determine four (4) years as the starting point for the offence of Obtaining a Financial Advantage.

Aggravating Factors

40. I now draw my attention to aggravating factors of these offences. I will first discuss the common aggravating circumstances and then will discuss individual aggravating circumstances pertaining to some of the accused.

41. All of these six accused held positions of responsibilities and trust in the procurement process of the DECE. Each of them were given authority to check and verify the process of purchase and payment at different stages. Instead of fulfilling those responsibilities and trust, you all chose otherwise to satisfy your avarice. By perpetrating these offences, you all have breached the trust and confidence reposed in you by the public of this country. You all have repeatedly and surreptitiously committed these crimes without any remorse or concern about the use of public funds and responsibility attached to it. I consider these factors as common aggravating grounds.
42. Ms. Ana Laqere, you admitted in your evidence that this scam took place under your leadership in the Accounts Section. You have provided a feasible environment for your co-offenders to carry out this scandalous crime. You, not only used your position and authority to carry out this crime, but was vindictive towards the officers who detected these false payments.
43. It was proved that Ms. Laisa Halafi has hidden and destroyed some of the source documents pertaining to this crime in order to conceal it from the authority.
44. Mr. Narayan, you also have breached the trust reposed in you by the public by committing this crime. You planned this crime and carried out it in a crafty manner. You used documents pertaining to other companies in order to secure these false payments from DECE.

Mitigation

45. The learned counsel for the defence tendered the submissions in mitigation in respect of each of the accused.
46. All of the accused are first offenders. However, the previous good character of the offenders of this nature has no significant value in mitigation as only the people with good character are given position of trust and responsibility in the public service.

47. Justice Goundar in *Fiji Independent Commission Against Corruption v Mau* (supra) held that;

"However, it is not possible for me to give undiminished weight to their previous good character and record of service to the public. They were given power and responsibility of a public office because of their corporate expertise and good character. Instead, they breached the public's trust by misusing their office".

48. The learned counsel for Ana Laqere, Amelia Vunisea, Laisa Halafi and Kiniviliame Taviraki urged the court to consider their respective ages and family circumstances in mitigation, so do the learned counsel for Vaciseva Lagai and Vilisi Tuitavuki.
49. Mr. Narayan, you pleaded guilty for this offence prior to the commencement of the hearing. Though, it is not at the first available opportunity, you are still entitled for a substantive discount for your plea of guilt.
50. These offences were committed in between March 2010 to August 2010. The charges were initially filed in the Magistrate's Court on the 10th of December 2013. The matter was then transferred and mentioned in the High Court on the 11th of April 2014. Hence, I find the post-charge delay is nearly four years. I take into consideration this total delay as a mitigating factor.

Final Sentence

51. Having considered the above discussed aggravating factors and mitigating factor, I now proceed to determine the final sentence for each of the accused.
52. Ms. Ana Laqere, in respect of the discussed aggravating factors, I increase four (4) years for the offence of Abuse of Office and two (2) years for the each count of Causing a Loss, reaching an interim imprisonment period of twelve (12) years for the offence of abuse of office and six (6) years for each counts of Causing a Loss. I reduce one year in consideration of your age and family circumstances and further one (1) year for delay,

- making the final imprisonment period of ten (10) years for the offence of Abuse of Office and four (4) years for each count of Causing a Loss.
53. Ms. Amelia Vunisea, in respect of the discussed aggravating factors, I increase three (3) years for the offence of Abuse of Office and two (2) years for each count of Causing a Loss, reaching an interim imprisonment period of ten (10) years for the offence of abuse of office and six (6) years for each counts of Causing a Loss. I reduce one (1) year in consideration of your age and family circumstances and further one (1) year for delay, making the final imprisonment period of eight (8) years for the offence of Abuse of Office and four (4) years for each count of Causing a Loss.
54. Ms. Laisa Halafi, in respect of the discussed aggravating factors, I increase four (4) years for the offence of Abuse of Office and two (2) years for the each count of Causing a Loss, reaching an interim imprisonment period of twelve (12) years for the offence of Abuse of Office and six (6) years for each counts of Causing a Loss. I further increase two (2) years for the offence of Obtaining a Financial Advantage and reach to an interim imprisonment period of six (6) years. I reduce one year in consideration of your age and family circumstances and further one (1) year for delay, making the final imprisonment period of ten (10) years for the offence of Abuse of Office, four (4) years for each count of Causing a Loss, and four (4) years for Obtaining a Financial Advantage.
55. Ms. Vaciseva Lagai, in respect of the discussed aggravating factors, I increase three (3) years for the offence of Abuse of Office and two (2) years for the each count of Causing a Loss, reaching an interim imprisonment period of ten (10) years for the offence of abuse of office and six (6) years for each counts of Causing a Loss. I reduce one (1) year in consideration of your age and family circumstances and further one (1) year for delay, making the final imprisonment period of eight (8) years for the offence of Abuse of Office and four (4) years for each count of Causing a Loss.
56. Ms. Vilisi Tuitavuki, in respect of the discussed aggravating factors, I increase three (3) years for the offence of Abuse of Office and two (2) year for the each count of Causing a Loss, reaching an interim imprisonment period of ten (10) years for the offence of Abuse

of Office and six (6) years for each counts of Causing a Loss. I reduce one (1) year in consideration of your age and family circumstances and further one (1) year for delay, making the final imprisonment period of eight (8) years for the offence of Abuse of Office and four (4) years for each count of Causing a Loss.

57. Mr. Kiniviliame Tavoraki, in respect of the discussed aggravating factors, I increase three (3) years for the offence of Abuse of Office and two (2) years for the each count of Causing a Loss, reaching an interim imprisonment period of eight (8) years for the offence of Abuse of Office and six (6) years for each counts of Causing a Loss. I reduce one year in consideration of your age and family circumstances and further one (1) year for delay, making the final imprisonment period of six (6) years for the offence of Abuse of Office and four (4) years for each count of Causing a Loss.
58. Mr. Shelveen Narayan, in respect of the discussed aggravating factors, I increase three (3) years for the offence of Obtaining a Financial Advantage, reaching to an interim imprisonment period of seven (7) years. I reduce one year for the early plea of guilty. I reduce further two (2) years for the remorse that you expressed in committing this crime and for the delay, making the final imprisonment period of four (4) years.

Non-Parole Period

59. Having considered the purpose of this sentence and the seriousness of these offences, it is my opinion that Ana Laqere and Laisa Halafi are not entitled for any parole for period of eight (8) years. Ms. Amelia Vunisea, Ms. Vaciseva Lagai and Ms. Vilisi Tuitavuki are not entitled for any parole for a period of six (6) years. Mr. Tavoraki is not entitled for any parole for a period of four (4) years. Likewise, Mr. Narayan is not entitled for any parole for a period of three (3) years.


Conclusion

60. In conclusion, I make following orders, that;

61. **Ms. Ana Laqere**, I sentence you for **ten (10) years** imprisonment period for the offence of Abuse of Office, contrary to Section 139 of the Crimes Act, and for **four (4) years** imprisonment period for each of thirty five counts of Causing a Loss, contrary to Section 324(2) of the Crimes Act. All of the sentences to be served concurrently. I further order that you are not entitled for any parole for a **period of eight (8) years**.
62. **Ms. Amelia Vunisea**, I sentence you for a period of eight (8) years imprisonment for the offence of Abuse of Office, contrary to Section 139 of the Crimes Act, and for **four (4) years** of imprisonment period for each of thirty four counts of Causing a Loss, contrary to Section 324(2) of the Crimes Act. All of the sentences to be served concurrently. I further order that you are not entitled for any parole for a **period of six (6) years**.
63. **Ms. Laisa Halafi**, I sentence you for **ten (10) years** imprisonment period for the offence of Abuse of Office, contrary to Section 139 of the Crimes Act, for **four (4) years** imprisonment period for each of thirteen counts of Causing a Loss, contrary to Section 324(2) of the Crimes Act and for **four (4) years** imprisonment period for the offence of Obtaining a Financial Advantage, contrary to Section 326 (1) of the Crimes Act. All of the sentences to be served concurrently. I further order that you are not entitled for any parole for a **period of eight (8) years**.
64. I consider the period that you have spent in remand during the course of the hearing. I accordingly reduce further one (1) month from your head sentence pursuant to Section 24 of the Sentencing and Penalties Decree. Accordingly, your actual sentence is **nine (9) years and eleven (11) months** imprisonment period with **seven (7) years and eleven (11) months** of non-parole period.
65. **Ms. Vaciseva Lagai**, I sentence you for a period of **eight (8) years** imprisonment for the offence of Abuse of Office, contrary to Section 139 of the Crimes Act, and for **four (4) years** of imprisonment period for each of nine counts of Causing a Loss, contrary to Section 324(2) of the Crimes Act. All of the sentences to be served concurrently. I further order that you are not entitled for any parole for a **period of six (6) years**.

66. **Ms. Vilisi Tuitavuki**, I sentence you for a period of **eight (8) years** imprisonment for the offence of Abuse of Office, contrary to Section 139 of the Crimes Act, and for **four (4) years** of imprisonment period for each of five counts of Causing a Loss, contrary to Section 324(2) of the Crimes Act. All of the sentences to be served concurrently. I further order that you are not entitled for any parole for a **period of six (6) years**.
67. **Mr. Kiniviliame Taviraki** I sentence you for a period of **six (6) years** imprisonment for the offence of Abuse of Office, contrary to Section 139 of the Crimes Act, and for **four (4) years** of imprisonment period for each of two counts of Causing a Loss, contrary to Section 324(2) of the Crimes Act. All of the sentences to be served concurrently. I further order that you are not entitled for any parole for a **period of four (4) years**.
68. **Mr. Shelveen Narayan**, I sentence you for a period of **four (4) years** imprisonment for the offence of Obtaining a Financial Advantage contrary to Section 326 (1) of the Crimes Act, and I further order that you are not entitled for any parole for a **period of three (3) years**.
69. Thirty (30) days to appeal to the Fiji Court of Appeal.




R.D.R.T. Ragasinghe
Judge

At Suva

10th May 2017

Solicitors

Fiji Independent Commission Against Corruption for the FICAC
Vakaloloma and Associates for Accused 1
Vakaloloma and Associates for Accused 3
Vakaloloma and Associates for Accused 4
Office of Legal Aid Commission for Accused 5
Office of Legal Aid Commission for Accused 6
Vakaloloma and Associates for Accused 7
Oceanica Intellectual Property for Accused 8