

IN THE HIGH COURT OF FIJI

AT SUVA

[CRIMINAL JURISDICTION]

CRIMINAL CASE NO: HAC 031 OF2020

BETWEEN : STATE

AND : FATAI PENI

Counsel : Ms S Shameem for the State
Ms L Ratidara for the Accused

Date of Hearing : 17 July 2020

Date of Sentence : 30 July 2020

SENTENCE

[1] The offender is 54 years old. He has pleaded guilty to the murder of his spouse (the victim). The couple had been married for twenty five years. Together they had five children (daughters). He is from the island of Oneata in Lau. The couple started having problems in their marriage when she moved to Suva for their children's education. He remained on the island with their youngest child doing farming and financially supporting his family in Suva. She lived in Kinoya, Suva and worked as a cleaner to support her family. She was 47 years old.

[2] In March 2019, the offender learnt of an extra-marital affair of his wife while he was visiting her in Suva. He confronted her and she admitted to the affair. After warning her to cease the affair he returned to the island.

[3] In December 2019, the offender returned to Suva for a visit. The incident occurred on 29 December 2019 at the victim's home in Kinoya. On this day the victim had gone to work. The offender had stayed back home. During the day the offender learnt from a neighbour that the victim was continuing with her extra-marital affair. After that conversation with the neighbour he returned home and sliced a fish for dinner. He noticed that the knife he

had used to slice the fish was blunt. He sharpened the knife and left it on the kitchen sink together with other utensils. He did other preparations for the dinner and waited for the victim to return home to cook.

- [4] The victim returned home at around 8pm. She cooked and the couple went to bed after having dinner. He asked her for sex. She refused. In rage, he went to the kitchen and returned with the knife he had sharpened earlier in the day. He stabbed the victim twice on the chest. She tried to defend herself. He stabbed her back. When she could not resist, he held her head back and slit her throat with the knife. She sustained multiple stab wounds. She died at the scene. The fatal injury was a large, deep, gaping incised or slash wound on the neck.
- [5] After slitting the victim's throat, the offender stood up and washed the knife. He left the knife on the kitchen sink and left the house. He went straight to his eldest daughter's home where all his children were and informed her that he had killed their mother. He gave the house keys and some money to his daughter and presented himself to Valelevu Police Station at about 11.30pm that same evening. He informed the police that he had killed his wife.
- [6] Murder is punishable by mandatory life imprisonment with a judicial discretion to set a minimum term to be served before pardon may be considered.
- [7] I have decided to set a minimum term in this case. The killing was gruesome. The victim was the wife of the offender, she was the mother of his children and a grandmother. When the victim chose her own course in life the offender was not willing to accept that his wife had a right to make that choice. The motive for killing reflects the entrenched patriarchal view that women have no right to self-autonomy. Men turn to respond with violence when their partners seek self-autonomy in relationships. The courts duty is to denounce family violence and impose sentence that has the effect of deterrence both personal and general.
- [8] The offender's remorse although genuine is late. His previous good character count for little mitigating value. He took away a human life that he was supposed to protect.

[9] The remand period is about six months. The offender is convicted of the murder of his spouse and sentenced to life imprisonment with 20 years to serve before pardon may be considered.



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Hon. Mr Justice Daniel Goundar

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