

REGINA -v- SABANGIA

High Court of Solomon Islands

(Muria ACJ)

Criminal Case No. 7 of 1992

Hearing: 15 June 1992 at Auki

Sentence: 16 June 1992

J. Faga for the Prosecution

J. Remobatu for the Accused

MURIA ACJ: The accused JOHN SABANGIA had been charged with four counts of incest upon his daughter. He pleaded guilty to all the four counts.

The accused admitted that on 6 March 1990 while alone with his daughter, asked his daughter to go into the sleeping room to have sex with him. The victim refused but after some force exerted upon her, he pulled the daughter into the sleeping room and had sexual intercourse with her. The girl did not report the matter as she was frightened of the threats made to her.

The accused also admitted that on 17 March 1990, the accused was again alone with his daughter. When his daughter went into the room to put her little brother to sleep, the accused followed her into the room. When in the room, the accused grabbed the victim and laid her on the bed and lifting her clothes, he had sexual intercourse with his daughter. Because of threats made to her, his daughter did not report.

The third occasion was on 5 April 1990. The accused admitted that having sent his wife to get tobacco and the other children were busy playing outside, the accused ordered his daughter to go the room to get a basket. While she was in the room, the accused followed, grabbed her and laid her on the bed and had sexual intercourse with her.

On 17 April 1990, the accused and his daughter were alone. The accused admitted that while his wife and their young child were away and the other children were away at school, the accused asked the victim to fetch cigarettes for him. The victim went to get the cigarettes and the accused followed her and grabbed her. He then had sexual intercourse with her.

On each of the four occasions the wife and other members of the family were away.

Incest between father and daughter is a serious offence. But not only that it is a serious matter, it is a form of behaviour that society regarded as deprave and abhorrent. The law therefore reflects society's detest for such behaviour and put the maximum punishment for such an offence to 7 years imprisonment.

In the present case the prosecution did not wish to press further the allegations of the use of force to effect the commission of the offence. I think this is a very generous gesture by the prosecution. Had the alleged use of force been substantiated, the sentence which I would have passed would be a lot different to the one I am about to pass.

I bear in mind all that Mr Remobatu had ably submitted on behalf of the accused. In particular, I bear in mind the effect his sentence will have on his wife and children.

I also take into consideration the compensation paid by the accused. Compensation is an important part of punishment in Solomon Islands society and should be encouraged in appropriate cases.

The plea of guilty is the most important mitigation in this case as it saves the victim of having to stand in Court and testify about the horror that she went through. I give the accused credit for his pleas of guilty which substantially reduce the sentences.

I take into account the fact that he spent almost 30 days in custody before he was released on bail.

Taking all those factors into account together with all that has been submitted on his behalf, this Court has no option but to impose immediate custodial sentence.

Count 1 - 2 years imprisonment

Count 2 - 2 years imprisonment

CONCURRENT

Count 3 - 2 years imprisonment

Count 4 - 2 years imprisonment

CONCURRENT BUT CONSECUTIVE TO COUNTS 1 AND 2.

(G.J.B. Muria)
ACTING CHIEF JUSTICE