

IN THE HIGH COURT OF SOLOMON ISLANDS
Civil Jurisdiction
(Maina J)

Civil Claim No. 95 of 2024

BETWEEN : **MATTHEW WALE** Claimants
AND : **SOLOMON STAR LIMITED** First Defendant
AND : **EDITOR OF SOLOMON STAR** Second Defendant

Fagarii C for the Claimant
Apaniai J for the First & Second Defendants

Date of Hearing: 1st July 2025

Date of Ruling: 18th August 2025

Delivered by Justice Maelyn Bird as Justice Leonard R Maina was away to PNG

RULING ON THE ASSESEMENT OF DAMAGES

PJ Maina:

1. On the 11th December 2024 and by way of consent orders from the parties, the court had entered a judgment of defamation for the Claimant and directed that damages to be assessed later.
2. The Claimant sought the damages of \$1,000,000.00 for the general damages and \$500,000 each for exemplary and aggravated damages.

Brief Background

3. The claimant's claim is libel with the defamatory statements that was published in the first Defendant's Solomon Star newspapers on 5th February 2024. It is about the Claimant former MP Matthew Wale.

4. The article contained misconduct, which harm Claimant Matthew Wale's reputation as it was also towards the General Election. He was the previous MP of Aoake-Langa langa and intended to contest the 2024 Election for the seat.
5. The claimant sought damages for defamation which the defendants did not dispute and the court made the consent orders of defamation.

The briefs of the article published by the Defendants

6. Basically, the following are the terms of the statement published by the Defendants.
 - (i) The insider (source) said that Matthew Wale had kept asking to meet with the Deputy Provincial Secretary after announced he would contest for the seat of Aoake-Langalanga in the 2024 Election.
 - (ii) In December 2023, Wale invited David Filia, Vincent Anisi and David Faradalolo to meet him in Auki Ache Coffee. Vincent Anisi and David Faradalolo ranked high in the last election.
 - (iii) Officers in the Auki - Langalanga polling station informed Wale that there were three candidates intending to run for the constituency seat in the 2024 election but he wants them to give up election. Wale promised to provide \$4 million SBD as compensation to them and would provide government secretary and senior consultant positions in the government if he takes up the new government.
 - (iv) Wale said that his popularity in the constituency is beyond the candidates and asked them to consider seriously whether to participate in the election.
 - (v) David Filia rebuffed Wale's offer, the other two candidates did not response positively, saying they need to consider it.
 - (vi) Each officer from polling station were invited to meet at Wale's house in November 2023 and he asked them to help himself to be re-elected by the revising ballot papers, rigging ballot papers and lobbying voters. Wale assured them that he would offer 5000 SBD for each voter before the polling day. After he wins, would offer 10,000 SBD for each of his voters.
 - (vii) Wale was buying voters vote, bribe the electoral officers and even bribe other candidates, a serious electoral fraud, undermining the fairness of the elections and undermining the cornerstone of our national democracy. The source hoped the newspaper could help to expose this evil behaviour.

7. It is the statements for this court to assess the damages or to convert the worth of the injury into monetary terms, fixes or settles into value¹.
8. With the assessing of the appropriate award, the Court in *Goh v Yam*² has made it clear that any award must be an adequate and fair compensation, and must be reflective of the local context of Solomon Islands.
9. Counsel Apaniai in his submission stated the defendant do not dispute that libel actionable as it stands, the Claimant proves that a false written statement damaging to his reputation was made against him without lawful justification thus he need not plead or prove special damage in or to succeed.
10. Counsel Apaniai refers to *Goh v Yam*³ & and *Sayed-Kaiyum v Tokoca*⁴ that damages will be at large and the quantum of damage is the discretion of the court. He asked the court to consider and embrace on the case of *Sikua v Tradewinds Investment Company Ltd*⁵ for quantum of damage or value for this matter, which he submitted that it was \$75,000.00.
11. Counsel Apaniai stated that an apology had been published and what remains is the assessment of damages.

General (Compensatory) Damages

12. The consent orders confirmed that Defendants had cause the damages and should compensate the claimant for injury to reputation, hurt feelings, and any humiliation suffered.
13. For the assessment of damage, it must start on the injury caused by the defamatory statement itself. Claimant Wale was the previous MP of Aoake-Langalanga and intended to contest again the 2024 Election the seat.
14. It was the time of the General Election campaign and such statement as put by the counsel for claimant that it creates the mind of ordinary, natural and unprejudiced person being a self-serving or selfish and power-hungry person. Thus, unfit to represent Aoake-Langalanga Constituency.
15. Any damages should be proportionate to the harm caused, considering the seriousness of the allegation and the extent of publication.
16. With this case, the first Defendant's Solomon Star newspapers being a public newspaper and sold its newspaper in Honiara city and Auki town where Aoake-Langalanga Constituency is situated and also around Solomon Islands as well or can be accessed on line or internet.

¹ *Creed v Pere* [1998] 166 C.L.R. 351

² [1993] SBHC 43; HCSI-CC 154 of 1989 (8 February 1993)

³ *Ibid*

⁴ [2021] FJHC 119; HBC83.2019 (25 February 2021)

⁵ SBHC-CC 138 of 2009 (20 July 2010)

17. General Damages for Defamation is explained by Sir Thomas Bingham MR *in* the QB case *John v. MGN Ltd*⁶ that:

“The purpose of a compensatory award for defamation is to vindicate the plaintiff’s reputation in the eyes of the public and to console him for the distress he has suffered.”

Further Sir Thomas encapsulates the principles:

“The successful plaintiff in a defamation action is entitled to recover, as general compensatory damages, such sum as will compensate him for the wrong he has suffered. That sum must compensate him for the damage to his reputation; vindicate his good name; and take account of the distress, hurt and humiliation which the defamatory publication has caused.”

18. With the Compensatory, it is not punitive in nature; the consideration must be on the seriousness of the allegation, extent of publication and impact on reputation and emotional well-being.

19. Proof of actual damage is not required, claimants are presumed to have suffered damage to reputation upon proof of defamation, so no need to prove actual financial loss and damages are assessed on the basis that injury has occurred⁷.

20. It is to compensate for reputational harm and emotional distress caused by the defamatory statement.

Aggravated Damages

21. The aggravated damage is usually awarded by the court in the defamation cases when the newspaper acted with spite and malice and the defendants fail to apologize. With this case, the attitude of the defendants Solomon Star Ltd and Editor of Solomon Star was of unkindness and cruelty to Claimant Wale.

22. Clearly, what can be noted from the statement in the Solomon Star Newspaper that it has a photo of the Claimant Wale with the article that presented a provocative and humiliating manner as it was the election time and claimant was an intended candidate for Aoake-Langalanga Constituency. The conduct of the Defendants had caused or worsened the hurt cause to Claimant Wale.

Exemplary (Punitive) Damages

23. The Solomon Star Newspaper acted recklessly, without regard for the truth or to check truth of the statement. Whether the motive was for commercial gain or whatever, the fact is that it was the election time and publishing a dramatic story at the expense of truth was irresponsible on part of the newspaper and or do not make sense at all.

⁶ [1997] QB 586 (CA)

⁷ Ibid

24. The court must send a message to deter similar conduct in the future. With the claimant and Defendants, this case is the second case of defamation. This first case was in 2012 *between Wale v Solomon Star Ltd & Others*⁸ which was appealed by the Defendant Solomon Star Ltd Star but the Court of Appeal dismissed the appeal.

Assessment of Damages

25. To measure or calculate the damages, courts usually dwell on four common considerations and for this case they are:

(i) The seriousness of the defamatory and what it means:

- It is the seriousness of the defamatory statement was published by the defendants were not true and intended for the voters at Aoake-Langalanga Constituency to see as it was or at the period of General Election in 2024.

(ii) The size and what type of people it had been intended to know:

- The defamatory statements in the first Defendant's Solomon Star newspapers on 5th February 2024 intended for the voters at Aoake-Langalanga Constituency and had seen by the voters as intended for that cause or matter.
- It had also circulated in Honiara, another Island in this country and others in the whole world as it was on the internet.

(iii) The context or setting of the publication:

- The Star newspaper published on 5th September 2024 during the 2024 election campaign titled: *"Wale in boiling water as accusation of dirty deals emerge"*
- The article reported that Candidate Wale is buying voters vote, bribe the electoral officers and even bribe other candidates.
- The article implied that Candidate Wale was a corrupt person and should not contest the seat of Aoake-Langalanga Constituency in the 2024 Election.
- Wale denied the allegation in the Star newspaper and the contents of the article provide for the defamation claims, which the Defendant do not disputed.

(iv) The impact on the claimant's private and professional life.

- The fact is that Candidate Wale has family or married or a father with 8 children, a lay preacher in his local church in Honiara, former owner of CBL Accounting Firm, former MP for Aoake-Langalanga Constituency.

⁸ CC no. 737 of 2012

- Wale was the intending candidate for Aoake-Langalanga Constituency Parliamentary in the 17th April 2024 National General Election.
26. The publication was sensational, damaging, and widely distributed, harming Mr Wale's professional and personal reputation and in particular, he was candidate for the seat of Aoake-Langalanga in the 2024 National Election.
 27. As noted from the case laws, the assessment of damages is for purpose of damages in libel and to compensate the claimant for injury to reputation and to maintain the good name.
 28. As outlined in *Goh v Yam*, it is the presumption of damage to reputation, once the defamatory statement is proven to be published and the damages to be should proportionate or balanced to the harm actually caused noting the seriousness of the allegation, the extent of publication, and the presence of any malice or aggravation by the defendant.
 29. In this jurisdiction, the leading case on the assessment of damage or quantum of damage is the 2012 case with the same parties i.e. *Wale v Solomon Star Ltd*⁹ which was appealed but the Court of Appeal dismissed the appeal¹⁰.
 30. The defendants by the consent orders accepts the full responsibility for the damage that was caused by the newspaper to the Claimant.
 31. The publication was sensational, damaging, widely distributed, harming Mr Wale's professional and personal reputation as a leader and candidate in the 2024 National Election.
 32. This is the second time now and the first one was in *Wale v Solomon Star Ltd* of 2015 case, which the Defendants were held responsible. With this matter, it is repetition and that to my view tip or create seriousness of this case and with recklessness on part of the Defendants.
 33. Now with case the award of compensation should be in the vicinity of the 2015 case between *Wale v Solomon Star Ltd*.
 34. It is my view the award will on the general and exemplary damages. With the aggravating damage, I accept the apology published in the newspaper and will not make any award on it.

⁹ [2015] SBHC 9; HCSI-CC 437 of 2012 (30 March 2015)

¹⁰ *Solomon Star Ltd v Wale* [2016] SBCA 10; SICOA-CAC 11 of 2015 (22 April 2016)

35. Therefore, with the assessment of damage or quantum of damage, I award the sum of SBD\$200,000.00 for general damage and SBD\$50,000.00 for exemplary damages to the Claimant. The total amount award is SBD\$250,000.00 plus costs against the Defendants.

ORDERS OF COURT

1. Award claim for general damages is \$200,000.00 against both Defendants.
2. Award claim for Exemplary damages is SBD\$50,000.00 against both Defendants
3. No award or orders for aggravating damage
4. Cost is awarded against the Defendants

THE COURT



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Hon. Justice Leonard R Maina
Puisne Judge