

**IN THE CENTRAL MAGISTRATES' COURT  
OF SOLOMON ISLANDS**

Criminal Jurisdiction

Criminal Case No. 886 of 2018

On the 10<sup>th</sup> day of November 2020



John Wesley Zoze for the Prosecution  
Martin Haurii for the Accused

**BETWEEN:            REGINA                            Complainant**  
**AND:                    LINO HOUMAHA                    Accused**

**SENTENCE**

The Accused Lino Houmaha has been convicted after trial on one count of Official Corruption contrary to section 91 (b) of the Penal Code. The issue for the Court now is what would be the appropriate sentence to be imposed on the Accused. The Court will have to balance a number of factors to arrive at an appropriate sentence.

The offence of Official Corruption carries a maximum penalty of 7 years imprisonment. The maximum may be imposed in cases which fall within the category of the worst type. The established principle is that each case has to be decided based on its own unique facts.

The facts

The facts of this case are that the accused was at the time of the offending was a Senior Accountant at the Ministry of Agriculture and Livestock. He was also responsible for the Waisisi/Wairokai Palm Oil Project in terms of payment. On 3<sup>rd</sup> July 2018 he met with Rachel Kenneth, a Principal Auditor at the Ministry of Finance and Treasury and corruptly gave her \$5,000.00 to influence her to do an act or omit to do her duties. Rachel Kenneth was the team leader of the Audit Team that was auditing the Waisisi/Wairokai Palm Oil Project in 2018. She was also responsible for writing up the Audit Report on the Waisisi/Wairokai Palm Oil Project.

Aggravating factors

The accused was a Public Servant, holding the position of Senior Accountant within the Ministry of Agriculture and Livestock. Being a Public Servant and holding a senior position has conferred on the accused high responsibilities which come with high expectations. Maintaining public trust and confidence in the Public Service depends and rests entirely on the shoulder of every public servant. The action of the accused is a clear breach of that trust placed on him as a Public

Servant and it is detrimental to the good image of the Public Service and the Ministry of Agriculture and Livestock. It is the kind of action that erodes public trust and confidence in the Public Service.

The offending was clearly pre-planned. He had thought about it and whether he had also put his mind to the possible consequences of his plan is anybody's guess but he went on with the plan to give the \$5,000.00 to the Audit Officer.

This kind of offending, in my view, attracts an immediate custodial sentence and the sentence must reflect the need for deterrence. Corruption in the Public Service as well as the Private sector must be deterred at all levels. It is a serious matter that must be collectively addressed by everyone. The Courts' part in the fight against corruption is to impose sentences that not only punishes the offender but also one that will deter him and others who might have the impulses to enter into corrupt practices. A similar sentiment was echoed by Justice Nagiolevu as he then was in *Regina v John Tebolo*<sup>1</sup>. He said:

"Corruption is a problem within Solomon Islands that must be addressed, great efforts are being made to address the issue but it also requires the support of the Courts when sentencing offenders to emphasise that they will not tolerate corruption."

In view of the facts, aggravating factors and the need for deterrence, I am of the view that the appropriate starting point in this case is 2 ½ years imprisonment.

#### The Mitigating factors

The accused is a family man. He has three children who are currently in schools. His family depend on him for their needs. His incarceration no doubt must have been felt by his family. This is the kind of consequences that he should have thought about before engaging in the corrupt act. He, alone has to shoulder the blame for the negative impacts brought about by his incarceration on his family.

He is a first time offender.

To reflect the mitigating factors, 6 months will be deducted from the 2 ½ years imposed as starting point. The total effective sentence therefore is 2 years imprisonment.

While I sympathize with the effects that incarceration will have on the family of the defendant, the Court has a duty to impose punishment for breaking the law. The sentence must sufficiently reflect public denunciation of corrupt practices and the need for deterrence of corrupt practices within the Public Service and the society at large. I do not think that the sentence should be partially or entirely suspended.

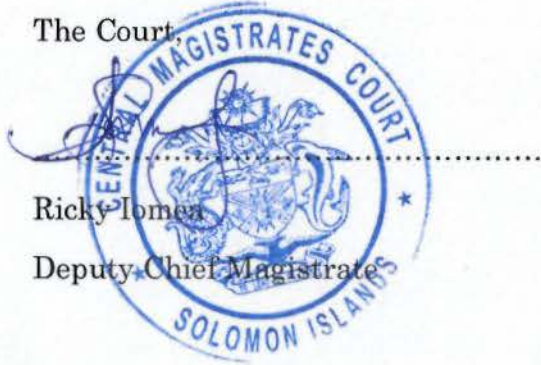
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<sup>1</sup> [2010] SBHC 27; HCSI-CRC 217 of 2009

Orders

The Accused is convicted and sentenced to 2 years imprisonment. The sentence is backdated to commence on 23<sup>rd</sup> September 2020, the day he was convicted and remanded in custody.

The Court,



Ricky Iomen

Deputy Chief Magistrate