

IN THE SOLOMON ISLANDS MAGISTRATES' COURT

AT HONIARA

Criminal Case No. 1013 of 2020

REGINA

V

SERAH HA'ARA

Before: Principal Magistrate Ms. Fatimah Me'ere Taeburi.
Ms. Jessie Waefo on behalf Mr. Iete Tepakota for the Crown
Mr. Donation Houa (PSO) for the Defendant

Date of Hearing: 16th November 2020


Date of Sentence: 24th November 2020

SENTENCE

1. The accused pleaded guilty to one count of domestic violence contrary to the Family Protection Act.
2. She admitted to hitting her 2 years old grand-daughter and causing the child to fall into a drain.
3. I enter criminal conviction against the defendant.
4. I consider that the victim is a very young child. No child should be subjected to any form of violence and abuse whether physical, emotional or psychological. The facts showed that the child had walked out of the house and that had led the accused to be angry and hit her. I cannot comprehend how a mature woman in the age of the accused would blame a 2 year child for the incident.
5. The defence counsel submitted that the accused was suffering from illness at the time. Her personal circumstances are not important factors in my view. There is no justification for any act of abuse or violence against a child.

6. I accept that every parent and guardian has the right to teach and discipline their children. But teaching must be done with love and care. This court will extend its arm to protect our children from violence and abuse.
7. I consider that the accused pleaded guilty to the charge. She has no previous convictions. She is the guardian of the victim. She has spent a few days in remand.
8. The message must be clear. No one has any right to abuse or violate any child. Anyone who abuses a child will be punished by the courts.
9. I have considered the maximum penalty for this offence.
10. In my view, the appropriate sentence is 6 months imprisonment.
11. I suspend it fully for 1 year on the condition that the accused enters into a bond to be of good behaviour for 1 year in her own recognisance.
12. She is to be released from custody at the rising of the court.
13. Right to appeal within 14 days.

Dated this 24th Day of November 2020


Ms. Fatimah Me'ere Taeburi
Principal Magistrate

