



**IN THE SOLOMON ISLANDS MAGISTRATES' COURT  
AT HONIARA  
Criminal Case No. 831 of 2020**

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**REGINA  
v.  
HARRY MANEPAU**

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Before: Principal Magistrate Ms. Fatimah Me'ere Taeburi  
Ms. Myrella Cleven (DPP) for the Crown  
Mr. Hayniel Max (PSO) for the Defendant

Date of Hearing: 30<sup>th</sup> November 2020  
Date of Ruling: 1<sup>st</sup> December 2020

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**SENTENCE**

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1. The accused pleaded guilty to one count of indecent act on child under 15 years of age contrary to section 139(2)(a) of the Penal Code (Amendments)(Sexual Offences) Act 2016.<sup>1</sup>
2. The facts which he admitted are as follows;
3. He is 30 years old and from Savo Islands in the Central Province Islands.
4. His victim is a young girl of 12 years old. She is also from Savo Islands in the Central Islands Province.
5. On the 10<sup>th</sup> of October 2020, the victim was walking along the seaside. The accused saw her going past. He went after her and told her to follow him.
6. She refused and ran away.
7. He ran after her, grabbed her and led her into the bushes.

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<sup>1</sup> Penal Code [Cap 26]

8. He made her to lie down. She struggled. She lay on the ground facing down. He pulled her and turned her up. He lay onto of her.
9. He pushed his hand inside her shirt and grabbed her breast. He put his mouth onto hers and kissed her. He sucked her breast. He told her to hold his penis.
10. She refused. She cried and struggled.
11. Some boys from the village came past. He saw them and ran away.
12. She stood up and cried back to the village.
13. He was arrested and charged for this offence.
14. I convict him on the facts.
15. In sentencing him I consider the age disparity between him and the victim. The age difference is 18 years.
16. I also find that there was pre-meditation. He saw the victim and followed her. It shows that he had already developed a plan to commit sexual acts on her.
17. The element of pre-meditation is further supported by the submissions by the defence counsel that the convict had for sometimes planned to take revenge on any female from the victim's family. According to the convict, a male from the victim's family had allegedly committed unlawful acts of a sexual nature on a female from his family. For sometimes, the convict had planned to retaliate by committing the same sexual acts on any female from the victim's family. He executed his plans on the victim on the 10<sup>th</sup> of October 2020.
18. I also consider the fact that the convict persisted to sexually assault the victim. He called the victim and told her to follow him. She refused. He followed her, grabbed her and dragged her into the bush. He used force and aggression to hold her down thereby enabling him to commit the acts on her. It was fortunate that the other boys came along.
19. This convict and other like-minded offenders must learn that women, girls and children in our society are not to be treated as sex objects to be used and abused as pleased. They are to be respect. Men and women in this country have equal rights. No woman or girl should be treated in this manner.
20. I take into account the shame and the stigma that the victim will have to endure in a village setting. I also consider the psychological effects of the incident on her.

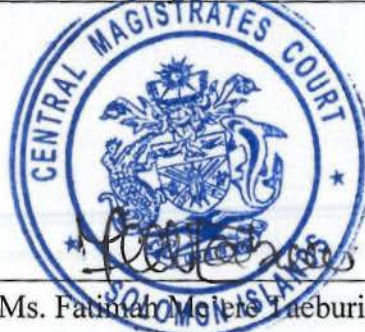
21. In mitigation I consider that the convict pleaded guilty. He is a first time offender.
22. I was informed that he paid compensation to the victim's family and reconciliation has been conducted. The case of *R v Asuana* has clearly explained the value of the compensation and reconciliation. It was said in that case,

*Any custom compensation must be considered by the court in assessing sentence as a mitigating factor but it is limited in its value. The court must avoid attaching such weight to it that it appears to be a means of subsequently buying yourself out of trouble.*

*The true value of such payments in terms of mitigation is that it may show genuine contrition and the scale of payment may some indication of the degree of contrition.<sup>2</sup>*

23. I consider the personal and family circumstances of the convict.
24. The maximum penalty for this offence is 7 years imprisonment.<sup>3</sup>
25. In my view the appropriate sentence is as follows;
- a) Imprisonment for 1 year and 10 months;
  - b) Time spent in custody is included;
  - c) After release the convict is to enter into a good behaviour bond to keep the peace for 1 year in his own recognisance and the sum of \$300.
26. Right to appeal within 14 days.

Dated this 18<sup>th</sup> Day of December 2020



Ms. Fatimah Mohamed Taeburi  
Principal Magistrate

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<sup>2</sup> [1990] SBHC 106

<sup>3</sup> Refer to footnote #1