

REGINA v PETER ATAOHE

Case Number: Criminal Case No. 650 of 2021
Court: Central Magistrates' Court
Coram: Ricky Iomea, Deputy Chief Magistrate
Date of sentence: September 2, 2021
Parties: Mr. Taupongi for the Prosecution
Mr. Weago for the Accused.



SENTENCE

The offence that you have committed is that you were not at your place of residence during the Restriction period ordered by the Prime Minister. This is contrary to clause 4 (1) and (2) (a) and (b) of the Emergency Powers (COVID-19) (Honiara Emergency Zone) (Restriction of Movement) Order 2021 and Regulation 15 (1) (a), (2) and (4) of the Emergency Powers (COVID-19) (No.2) Regulation 2021. You admitted the offence and pleaded guilty when you appeared before this court on Tuesday 31st August 2021. You are now convicted on the charge.

The particulars of the offence are that you Peter Ataohe on the 30th August 2021 at King George Market road, Honiara, Guadalcanal Province, at about 8:30 am, without any lawful excuse you were not at your namely Taiwanese Farm Area, but you were seen walking along the King George Market road, an area designated as an Emergency Zone during the Restriction period by the Prime Minister of Solomon Islands.

The facts agreed are that you are from Muki village, East Areare, Malaita Province. You reside at the Taiwanese Farm Area, East Honiara.

The Solomon Islands Government on its continuous preparation to enhance its Agencies capabilities in containing a possible spread of COVID-19 in the country made orders to have a lockdown exercise.

On 26th August 2021, the Emergency Powers (COVID-19) (Honiara Emergency Zone) (Restriction of Movement) Order 2021 was gazetted. It restricted the movement of people in the Emergency Zone on and from 6:00 pm on Sunday 29 August to 6:00 am Tuesday 31st August 2021.

On 29 August 2021, at 6:00 pm Police commenced its operation and moved around the Emergency Zone ensuring that individuals abide with the prescribed order.

On 30 August 2021, at about 8:30 am duty Police officers were heading east of Honiara to drop off and pick up the next shift of the day. Whilst they were on their way, they saw you walking along the King George market road. Therefore you were arrested and charged.

What aggravates your offending is that you knew the lockdown was on and decided to walk along the King George market road when you had lawful excuse to do so and not exempted.

It shows that you do not have regard for orders made by Authority. This action will must be deterred with the imposition of an appropriate sentence.

As I said in the other case, everyone should understand that orders made by the Government during this Emergency period are for the good of everyone and the nation. Our obligation is to obey them.

You have pleaded guilty to the offence at the first available opportunity. It demonstrates that you are willing to accept responsibility and face the consequences.

Having considered the facts of the case, your pleas of guilty, your personal circumstances, the need for punishment and the need to deter deliberate breach of such orders in the future, I will impose a fine of \$700.00 against each of you. In default, thirty days imprisonment. The fine is payable by close of business on 23rd September 2021.

The Court,

