

PUBLIC PROSECUTOR

V

STEPHEN BULE

CHARGE

Rape.

REASONS FOR SENTENCE

The defendant is the uncle of the victim of this case of rape. The victim was 8 years old at the time of the offence and had been left in the care of the defendant by her parents. The child was placed in the care of the defendant when her parents were required to move because of a change in the teaching posting of the girl's father. The defendant therefore had a duty to protect and care for this young girl but instead he grossly abused her. No community can allow this sort of conduct to go on. It must be stopped.

A disturbing feature of this case, is the view that has been expressed by family members and Chiefs from the area, that matters like this should be dealt with by custom settlement and not in the Courts. It must be realised that the criminal law is designed for the betterment of the whole of society. Some conduct is of such a nature that the community has an interest in seeing that it does not occur. I do not think that there is a true appreciation of the permanent harm that can be done to young children who are abused. In this case the girl suffered considerable physical harm. The full extent of it may not be known for some time. She has not had the benefit of thorough and specialist medical examination. Apart from the physical harm, she could suffer untold psychological damage, which may well affect the rest of her life. What will her attitude towards men be? Whom can she trust? Can she hope to have a happy and normal future? We do not know the answer to these questions. Cases of this kind are not just the concern of the families involved. They cannot be settled and forgotten about by making payments from one family to another. That I have been asked to leave this matter to be dealt with by way of custom settlement demonstrates a lack of understanding of the applicability of and the need for the law of the country. Payment of pigs and red mats is no doubt regarded as important in custom. I do not dispute this. What it does in a case like this however, is to treat a most serious offence, as something more like a civil dispute, rather than as a grave criminal offence.

On 14 July, 1994, the child victim of this offence was playing outside the house where she lived with her uncle. The accused told her she had been too long outside and called her to come in. Pretending to have a sore back, he asked the child to massage him. This occurred in his bedroom. He then asked the girl to hold his testicles. He threatened her to get her to do this and then ordered her to take her clothes off. Being afraid she did this and he then proceeded to rape her. In the course of the rape the girl was physically torn. This must have been known to the accused but he did not stop. The girl was in pain and crying and eventually he stopped. He knew that she was injured and that she was bleeding badly. He did nothing to try to help this abused and

injured girl. All he was concerned about was himself and he threatened her so that she would not tell the truth of what happened. He told her a false story she was to tell if anyone asked what had happened.

From what I can gather, he then went to sleep until the morning, leaving the child bleeding. It is perhaps fortunate that she did not bleed to death. The fact that she was injured was discovered by her older sister who was sharing a room with her. The bleeding was so much, that the other girl could smell it. She did not know where it came from but in the morning she saw that the victim's dress was covered in blood.

Attempts were then made to stop the bleeding, which was still occurring, by using toilet paper. The girl was then taken for medical assistance to two different places. Facilities for treatment were very limited and as I have earlier observed, the girl was lucky to live. In not seeking to help the girl, the accused has aggravated his offence. He in fact took the child for help, after others had discovered the problem, but I have no doubt that in doing what he did then, he did only to try to cover up his crime.

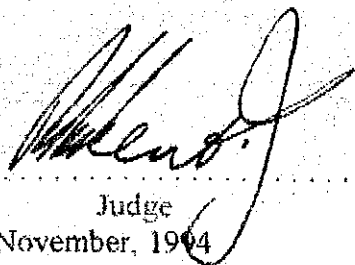
The Learned Prosecutor Mr Baxter-Wright described this offence as an horrific rape of a young girl. I agree. It is deserving of severe punishment.

When he spoke to the police about the matter, the accused claimed that he was cursed and that is why he committed the offence. I believe that this is the only way in which he thought he could make any excuse for his behaviour. I do not accept that he believes this to be the truth. He could not think of any other thing to say about his awful crime.

He is a 48 year old man with strong religious beliefs. It is a pity that these string religious beliefs did not tell him that he is not permitted to disregard the rights of women and children. He is a first offender and he has pleaded guilty. He will get some credit for this in the sentence that I pass.

The maximum penalty for rape is imprisonment for life. I do not think that anyone would regard a sentence of 12 years imprisonment inappropriate in this case. As I have indicated he is entitled to some reduction in what might otherwise be regarded as appropriate because of his plea of guilty and because he is a mature man without prior convictions. Accordingly the sentence of the Court is that the accused be sentenced to a term of imprisonment for 10 years. He has I think been in custody since 19 August 1994. I order that the sentence commence as from that date.

The accused has the right to appeal against the sentence. If you wish to do so, you must do so in writing, within 14 days.



Judge

3 November, 1994

