

IN THE SOLOMON ISLANDS MAGISTRATES' COURT
AT HONIARA
Criminal Case No. 992 of 2018



REGINA
v.
Silas SABO

Coram: Principal Magistrate Ms. Fatimah Taeburi
Crown: Ms. Frelix Fakarii
Defence: Mr. Stanley Aupai

Date of Hearing: 1st April 2019
Date of Sentence: 9th April 2019

SENTENCE

Introduction

1. You pleaded guilty to one count of sexual intercourse with a child under 15 years of age contrary to section 139(1)(a) of the Penal Code (Amendment Sexual Offences) Act 2016.
2. I convict you.
3. You are a juvenile offender. You were born on the 29th of September 2003. This means that you are now 15 years old and will turn 16 years of age in September this year.
4. This also means that in sentencing you, I must consider the provisions of the Juvenile Offenders Act.
5. The facts in your case are that you had sexual intercourse with a young girl in your village. She was born on the 26th of September 2008. She will turn 11 years old in September this year. This means that she is 5 years younger than you.

6. There is nothing in the agreed facts to suggest that you used force or aggression or that you intimidated or used any form of influence on the complainant to commit the offence.
7. I do not find any aggravating feature in this case. Although you are five years older than your victim, I find that you are both very young persons. You are a teenager. Your victim is a child. It would have been a different scenario if you were an adult.
8. I take into account that you pleaded guilty to the charge.
9. You have no previous convictions. Young offenders like you who have no prior convictions have a higher possibility of rehabilitating compared to others.
10. The fact that you are a juvenile is an important matter of consideration here.
11. I take into account the remarks made by various courts in this jurisdiction in the past with respect to sentencing young accused persons.
12. Most notably the argument that young offenders must be treated differently from adult offenders. This is because our country recognises the need to give young people the opportunity to rehabilitate and to sort out their lives at an early stage so that they can become good and productive citizens.
13. This is exactly why our governments in the past have ratified the Convention on the Rights of the Child (CRC) and other conventions and international instruments relating to the rights of children and young people.
14. Therefore section 16 of the Juvenile Offenders Act is the guideline here.
15. I consider the maximum penalty and the sentencing range.

16. In my view, the appropriate sentence in your case is as follows;
17. You are sentenced to 1 ½ years imprisonment. You are to serve 6 months in prison. The remainder of the sentence is to be suspended on the condition that you are not to commit any offence during the period of suspension.
18. You have been remanded in custody since the 18th of September 2018. This means that you have been in custody for 6 months and 9 days.
19. This means that you are to be released from custody at the rising of the court. Your suspended sentence of 1 year is effective as of today.
20. Right to appeal within 14 days.



Ms. Fatimah Taeburi

Principal Magistrate

