

**IN THE SOLOMON ISLANDS MAGISTRATES' COURT**  
**AT HONIARA**  
**Criminal Case No. 695 of 2018**



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**REGINA**

**V**

**ANTHONY OLORERE & LEEDALE MAETA**

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Before: Principal Magistrate Ms. Fatimah Me'ere Taeburi  
Ms. Letiara Pellie (DPP) for the Crown  
Mr. Steven Weago (PSO) for the Defendant

Date of Hearing: 10<sup>th</sup> September 2020  
Date of Sentence: 11<sup>th</sup> September 2020

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**SENTENCE**

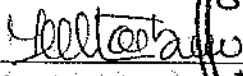
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1. There are two defendants in this matter. Both are charged with unlawful wounding contrary to section 229 of the Penal Code of Fredrick Laukoko. The crown's case is that both defendants acted together thus charged under section 21 of the Penal Code.
2. Mr. Maeta has not been summoned by the prosecution to attend court. His case is still outstanding in this court.
3. Mr. Olorere pleaded guilty to the charge on the 26<sup>th</sup> of August 2020. He is now here to be sentenced by the court.
4. The facts agreed to are as follows;
5. The complainant is a 52 years old man.
6. The accused persons believed that he was involved in black magic which is commonly known in the Guadalcanal custom as Vele.
7. They went to his house and acted violently. Mr. Olorere was drunk at the time.

8. Olorere punched the victim once on his mouth, Mr. Maeta also assaulted the complainant.
9. The complainant was taken to the Marau Clinic where he was examined. The medical produced shows that he sustained serious injuries. The report described that his eyes were half closed and he could not blink. He also sustained 2 fractures to his jaw. He was admitted at the clinic.
10. I enter conviction against Mr. Olorere.
11. I find the following aggravating factors;
12. The complainant is a very old and frail man. The injuries caused on him are very serious in my view. I consider his suffering and pain.
13. I consider that the two defendants are young men. Mr. Olorere is 30 years old now thus in 2015 when he committed the offence he was 25 years old. The age disparity is an aggravating factor.
14. I find that there is premeditation. When an offence is committed by 2 or more persons, the element of pre-planning is inevitable and makes the offending more serious.
15. The prosecutor submitted that the accused's actions were unprovoked. The facts however show that the attack on the complainant was based on the accused's belief that the complainant was involved in sorcery. Although the courts do not condone any violence of any form, I do accept that the Constitution recognises our customary practices as forming part of our Laws. We cannot operate in a system in isolation of our tradition and our customs. I therefore acknowledge that in our customs and cultural practices the use of sorcery and black magic is a live and real issue. Having said that, the State has criminalised the practices of sorcery in section 190 of the Penal Code. The local courts are avenues available to raise allegations of the use of black magic. The community must learn to respect the law and to utilise the legal avenues to raise their grievances. No one is permitted to take the law into his or her own hands.
16. In mitigating I take into account that the accused pleaded guilty.
17. He has no previous convictions.
18. He is a young man and I consider his personal circumstances.
19. He paid compensation in custom to the complainant.

20. The maximum penalty for unlawful wounding is 5 years imprisonment. The highest sentence passed in our jurisdiction is in the case of Nguyen Van Thang in which a sentence of 4 ½ years imprisonment was imposed. The facts of that case are far more serious than the facts in the current case.
21. I have considered other sentences imposed by courts on unlawful wounding. In the other cases, the facts are more aggravated because of the use of weapons to inflict injuries.
22. In my view the appropriate sentence is 1 year imprisonment.
23. Right to appeal within 14 days.

Dated this 11<sup>th</sup> day of September 2020

  
Ms. Fatimah Me'ere Taebun  
Principal Magistrate

