

IN THE SUPREME COURT)
OF THE TERRITORY OF)
PAPUA AND NEW GUINEA)

CORAM : OLLERENSHAW J.
Friday, 19th April 1968.

REGINA v. WARUME - MAMANA

FOR SENTENCE

1968
Apr 8,9,
10,18,19.
GOROKA.

This offender has been convicted of the wilful murder of the woman Goya-Dawa.

He is a native of Laundi, a village about a mile and a half from the long-established station of Watabung, situated some thirty miles from this town of Goroka.

He is about twenty-seven years of age and appears to have been quite well-established in his community with gardens, pigs and a good reputation.

His has been the life of a villager in such a situation having had no significant direct contact with the outside world but close contact with the strong Administration influence from Watabung under which he has grown up.

He has had no schooling and apparently no influence from the Mission conducted not far from his home. He does speak Pidgin-English, apparently fluently. He is married and at the time of his crime his wife was pregnant.

The offender first met his victim some years ago when neither of them was married and she was but a girl. She belonged to a different group from his but apparently dwelt not so far from him since he met her when he was cutting planks and they became friends. Although it would appear that he had some desire that their relationship would develop into marriage their paths separated, they went their different ways for some years and he did not see her again until she was brought to his area some weeks before the killing as the wife of a man of a nearby village.

This man belonged to the same group as the offender but to another line or subdivision of it. However, he was in a close relationship with the offender because, earlier, he had not only married a woman of the offender's line but also had come to live with them for some time until his banishment on account of a scandal.

On the day the offender met his victim on the road somewhere between his gardens and not far from his village.

She opened a conversation and in the course of this conversation he reminded her of an old loan of £2, which he had made to her. He suggested that if she had the money she could repay it or otherwise she could ask her husband for it for this purpose. However, he told her that if she would permit him to have intercourse with her he would forget all about the money.

It was clear to him that she rejected his suggestion and he formed the opinion that she was about to expose him to some men who were working not far away and to whom it appears she commenced to call before he grabbed her throat.

Thereupon he drew her and his shovel into the pit pit and he bashed her on the head with his shovel. When after a number of blows she still

showed some signs of life he stabbed her in the area of the lower chest with a knife, which he worked about so as to cut her inside. I do not go into any more detail. The Crown has stressed the brutality of the killing but as I see it, having made up his mind to kill her and having once struck her, he was concerned to finish the work. He buried her down the mountain side, concealed her bilum and calmly went about his ordinary life until the suspicions of the police were attracted to him by some scratches on his body and his thumb, which the woman had bitten.

He killed her to avoid an exposure which would have led to the loss or soiling of his reputation and probably little more although this prospect did cause him great shame, shame from it being disclosed in his community that he had made the suggestion of adultery to a woman married to a man with whom he stood in very close relationship.

It was said by the anthropologist called for the offender that adultery itself in the circumstances of the offender, his victim and her husband was regarded as something completely wrong, the disclosure of which may mean a fight but most of all loss of face and shame resulting in the person ashamed leaving the local community temporarily or permanently. The result of the disclosure not of adultery but of merely the suggestion of, or request for it, could not have more serious consequences and I would think probably would have had less.

This offence is without any traditional excuse; there was no fear of death, e.g. of the offender or his kin from sorcery, no provocation or provocative conduct or so on - merely fear for his own position as a man of good reputation, which he valued more highly than the life of an innocent woman, who, as the wife of a close relative, was acting strictly correctly in declining his invitation, an invitation which he offered with some cunning pressure by his introduction of the subject of the loan and his reference to her getting the money from her husband to pay back to him.

I do not recall having to do with a worse case and at first I found it difficult to contemplate that I would be able to find extenuating circumstances to justify me in refraining from pronouncing sentence of death.

However, I agree that there was no premeditation in the sense that it was not until the sudden fear of her disclosing him that he had any idea of killing her. His was an action on the spur of the moment by a native in panic - a native who has not had the restraining influences and training of a civilised European person. "Although," as the anthropologist said it is true to say that "most people" (and I am sure that this included the offender) "in the Sina Sina and on the fringes of the Chuave regions are very much aware of the sanctions which the Administration brings to bear against killing but of course the greater majority of their actions will still be in conformity with their own culture." I do not consider that there is any basis whatever for regarding this killing as "culturally" justified and the evidence is firmly to the contrary. I do consider, however, that in spite of his contact with the Administration as a native person he would have had far less ability than an European to resist a sudden impulsive urge to kill and my experience tells me how little so often that contact matters at a moment, for instance, of panic.

Having said this, however, there is nothing more to be said. Taking into consideration all the circumstances I consider that the appropriate sentence is one of imprisonment with hard labour for a term of fifteen years and that is the sentence I impose.