

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

CORAM : CLARKSON, J.

Monday,

16th March, 1970.

R. v. MANDANEP

(for sentence)

1970
Mar 16,
MADANG
Clarkson, J.

The prisoner who has been convicted of wilful murder is a man of almost 30 years of age from Ainouk village in the Ramu sub-district. His area has been under Administration influence for some ten years and is accessible by motor cycle patrol. The inhabitants are primitive and a belief in sorcery is universally held. This case demonstrates clearly the evils associated with such beliefs and the difficulties in tracing the motivation which they inspire.

It appears that in about 1965 the prisoner's wife died. The prisoner attributed her death to the sorcery of a woman, the wife of the then tultul of the village. He attempted to kill her and for this attempt was sentenced by this Court in July 1966 to three years' imprisonment. The prisoner's description of these events was:

" It started when my wife died. I thought that the wife of the former tultul had killed her by magic. I had then killed the tultul's wife but she did not die and I was sent to the gaol in Madang for three years for nothing."

The implication no doubt is that no punishment was justified for an attempt to murder which failed.

The prisoner served his term and returned to his village. It is noteworthy that while in prison he did not learn pidgin as might be expected and this fact to some extent confirms the suggestion from the bar that he is perhaps below normal intelligence.

After the prisoner's return, the witness Gindong, husband of the victim Tangu, told him that the tultul had said that the prisoner had practised sorcery. Again in the prisoner's words: "I then said to everyone, I have just come back from gaol and am enjoying my freedom. Why has the tultul said that I have done magic?"

What follows is not easy to understand. It is not altogether clear exactly what Gindong or the tultul said. Be that as it may, the object of the prisoner's malice became neither the tultul nor Gindong, but Gindong's innocent wife Tangu. As he said to me:

" When I was in the village, this woman's husband said I was a sorcerer, so I marked her and wanted to kill her."

On 28th January this year, while Tangu was preparing a fire alone in her house, the prisoner entered and attacked her with his axe and killed her.

The problem now is to determine how to deal with him. In the space of about five years, for half of which he has been in prison, he has attempted to kill two women of his village and on the second occasion has succeeded. He has learnt nothing from his period of imprisonment.

I recognize in mitigation that he was a young man before his area came under Administration control and that he gives the appearance of being of low intelligence. These facts combine to explain to some extent his failure to obtain any benefit from Administration or Mission influence in his area or from a term of three years' imprisonment.

Nevertheless, he is a danger in the community in which he lives and, if not completely intractable, is unlikely to come to a realization within a short time of the sort of conduct which the present law requires of him. This is also a case in which the prisoner and those in the community who might act as he has should be shown the extent of the community's disapproval of such conduct.

Sentence : 15 years' imprisonment with hard labour.