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

CORAM : RAINE J.  
Wednesday,  
24th March 1971

THE QUEEN

v.

HARAPE SIAKOAI OF GURIMATU

JUDGMENT ON SENTENCE

1971  
Mar 24,  
KEREMA.

Raine J.

I have convicted this accused of wilful murder and the first matter I have to consider is whether there are extenuating circumstances present which would make it unjust to inflict the death penalty.

It has been urged upon me that the prisoner was an unsophisticated man from an undeveloped, remote village. His area was not visited by patrols until he was 11 or 12 years old and since then only six or seven patrols have made visits. It is not known whether these patrols made direct contact with the accused or his line.

There are no roads in the area, there is no commerce, the people wear traditional dress. In fact, the prisoner and the Crown witnesses are all in borrowed plumes, they came to Kerema in native costume. The prisoner described the impact of civilization when he was flown to Kerema, which I suppose can be said to be civilized to some extent, in the following way: "What I saw at Kerema is more like I am dreaming." He also said: "I went down to Baimuru and I found how the Government works and I was brought up here and I am ashamed of what I did. This is more like my grandfather's deed."

The crime committed by the prisoner was a cruel and cowardly one. He killed the deceased so that he could, as he hoped, marry the youngest wife of his victim.

But for his background and, to a much lesser extent, an insult directed at him a considerable time ago by the mother of the woman I have referred to, there would be absolutely nothing that could be said in extenuation and I would be bound to sentence him to death, and would do so.

However, after anxious reflection I think it is proper for me to find that extenuating circumstances exist. The accused has told me

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that when he killed the deceased he did not know the Government law, and having heard where he comes from I think that this is likely enough and that he took his chance with the laws and customs of his village.

Had this crime been committed by a native who lived within the scope of Administration influence and had there been some other extenuating circumstances, I would imagine that a sentence of at least twelve years could have been expected. In all the circumstances, and bearing in mind that the prisoner has been in custody for five months, I sentence him to be imprisoned with hard labour for a period of 8 years and 6 months.

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Solicitor for the Crown : P.J. Clay, Crown Solicitor.

Solicitor for the Accused: W.A. Lalor, Public Solicitor.