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IN THE COURT MARTIAL

held at

MILITARY COURT CENTRE, CATTERICK

on the

22nd day of January 2025

in the case of

REX

V

30331318 Guardsman Meli Gaunavinaka CAMA

1st Battalion Scots Guards

JUDGE ADVOCATE

Judge Legard

Assistant Judge Advocate General

SENTENCING REMARKS

JUDGE ADVOCATE: As I have already indicated, pursuant to rule 19 of the Armed Forces (Court Martial) Rules, the Court Martial is proceeding in the absence of the defendant, Guardsman Cama. I have had an explanation, such as it is, provided to me as to why he is absent today. He is currently believed to be in Fiji. This is despite my directions made prior to Christmas and post-conviction that he surrender his passport and report daily to the orderly officer or other officer at the discretion of the commanding officer. Anyway, here we are.

Guardsman Cama, in his absence, was convicted after trial of a single offence of voyeurism for which he falls to be sentenced today. He is 35 years of age, he has approximately five years' service with the Scots Guards and aside from three relatively minor matters on his service record he is of otherwise good character. We are prepared to treat him as such for the purpose of this sentencing.

The facts can be briefly stated. In the early hours of 20th November 2023, whilst both he and the victim in this matter, [name redacted], were serving with or attached to the Scots Guards on an exercise in Oman, Guardsman Cama climbed up the outside wall of an accommodation block and proceeded to film [name redacted] having sex with the Company Sergeant Major, [name redacted]. It is therefore worth pointing out that there are actually two victims in this case, [name redacted] being the other.

Prior to that Guardsman Cama, in the company of others, had been at the nearby Gazelle Bar following a coronation parade. He was clearly intoxicated at the time of this offending.

Guardsman Cama climbed up on the outside of that accommodation block on three separate occasions and filmed this couple on each occasion having sex. He did so because he wanted to record that sexual activity, not only for his own personal gratification but also for the gratification of others. The Board has drawn that inference, perfectly validly, from the evidence that was presented to them over the course of the trial. He deliberately recorded the pair using his mobile telephone and, later that same evening, attempted to show [name redacted] what he had recorded although, on that first occasion, she did not engage with him.

Immediately after having climbed the accommodation block, Guardsman Cama showed a group of other soldiers what was recorded on his phone. Several days later, on 26th November, he managed to confront [name redacted] and, on this occasion, showed her what was on his phone. She saw at least one of a number of separate videos taken of her. Unsurprisingly she became distraught and ran away before subsequently confiding in a friend as to what had just happened. She was able to recognise that it was her being filmed having sex and that the person doing the filming must have been positioned at the outside of the window.

Guardsman Cama's story was that he heard a female moaning whilst outside the block, and he had only climbed up the outside because he was concerned for that individual's safety, worried that she may not be freely consenting to sex. He maintained that his focus at all times was on [name redacted] wellbeing. That story was rightly, unsurprisingly and comprehensively rejected by the Board. As was his contention that at no point did he show or attempt to show any recorded images, whether to [name redacted] or anyone else.

What he did on that occasion was unconscionable by taking advantage of someone, or two people, both of whom have every right to privacy; every right to do what they wished to do as consenting adults in the privacy of a room within the accommodation block. We are not, I am afraid, persuaded by Mr Thompon's submission that we should in some way reduce the gravity of this offending simply by virtue of the fact that the recording did not take place in [name redacted] own service living accommodation.

A soldier's or sailor's room or cabin or wherever they happen to be at the time is and remains a sacrosanct space; a place where they were entitled to feel safe and secure. Anyone who violates that personal sanctuary can expect to be severely punished.

We have had read out to us a victim impact statement, from [name redacted]. It is quite clear that this offence has had a profound and lasting impact upon her. It continues to distress her; she has endured feelings of guilt, embarrassment and sleep disturbance. She has suffered a loss of confidence and self-esteem. Essentially, she is a shadow of her former self. It is quite clear to us that offending of this nature can have, as in this case, a lasting impact. Nevertheless, we sincerely hope, as a board, that the conclusion of these proceedings, notwithstanding the absence of the defendant, might assist [name redacted] in putting this behind her and focusing on her future.

The revised Judge Advocate General's Guidance encourages us to apply the Sentencing Council Guidelines but in doing so we are also encouraged to consider any features of service life that might serve to either heighten culpability or harm or indeed aggravate or mitigate the offence itself. In doing so we must, of course, take care to avoid any double counting.

I just quote briefly from that revised Guidance as follows, and in doing so I am going to highlight why offences of this nature are considered to be so serious in a service context. I quote:

“Service personnel have little choice where and with whom they serve. They work, eat and socialise together. Sexual offending undermines the bond of trust which must exist between those who serve together. It affects morale and ultimately operational effectiveness. Dismissal will be appropriate in all but the most exceptional case.”

Turning now to the Sentencing Council Guidelines for voyeurism. We have taken into account the submissions from both Mr Thompson and Colonel Adair. Having regard to the contents of the victim impact statement, there is no doubt in our minds that the harm suffered by [name redacted], was and remains profound. We also take into account the fact that these images were available to others and

the fact that Guardsman Cama handed in to the service police a different phone from that upon which the images were recorded. Finally, we note the fact that [name redacted], was observed within service living accommodation, despite the fact it may not have been her own room.

For all those reasons we find this is clearly a raised harm case. In terms of culpability these images were clearly recorded. The initial recording may not itself have been premeditated but more opportunistic. However this offending involved three separate and deliberate incidents of Guardsman Cama climbing up outside the block in order to deliberately record what was happening inside. The opportunism fell away within seconds of that first climb.

Despite noting the Crown's observations we do not believe there are service factors present in this case justifying a different category. Having said that the Board finds that this offending falls within Category 1 in any event. We have adjusted our start point to some extent to reflect the fact that the offence was committed whilst deployed abroad, albeit on a training exercise and with that, the inherent reputational risk together with damage to operational effectiveness and unit cohesion.

Before we adjust for those service factors, a Category 1 offence provides for a start point of 26 weeks' custody, with a range of 12 weeks to 18 months. The offending is further aggravated by that fact that the Board found that the images were distributed; that there were attempts to conceal or dispose of the evidence; that he was in drink at the time and that there was some 11 minutes of time over which these matters were recorded.

On the other hand, in mitigation, this offending was clearly out of character. We have been further assisted by Mr Thompson and taken onboard everything that he has said and advanced on his behalf. There is no pre-sentence report, no character references and we cannot, of course, give Guardsman Cama any credit for guilty plea.

First of all, we deal with dismissal. Guardsman Cama's behaviour was inexcusable and represents a betrayal of the values and standards of the Armed Forces. It also tarnishes the reputation of the uniformed services more widely. It goes without saying that anyone in the civilian world, convicted of such an offence, perpetrated against a work colleague, would inevitably be dismissed for gross misconduct immediately. We therefore have concluded that this offending is so serious as to warrant dismissal and Guardsman Cama will be dismissed from His Majesty's Armed Forces.

Having considered the matter with care, we have also concluded that the custody threshold has been crossed, and that this offence is so serious that only an immediate custodial sentence can be justified. We considered suspension, and we gave detailed consideration to both the relevant guidance on the

imposition of custodial sentences in the Sentencing Council Guidelines, and indeed the Judge Advocate General's Guidance. We decided without any hesitation that appropriate punishment could only be achieved by immediate imprisonment.

We took as our start point 9 months, taking into account both aggravating and mitigating factors. In our judgment aggravation clearly and substantially outweighs any mitigation in this case. That led us to 12 months. As I have already indicated we cannot give any discount for a guilty plea. Guardsman Cama will therefore be sentenced 12 months' imprisonment. Once he begins to serve that sentence, he will serve one half of it in custody before he is released on licence. His release may be adjusted to an earlier date in light of current conditions but that is a matter outside our control. When he is released, he will be on licence and then post-sentence supervision for a total of 12 months after that.

He must, of course, comply with the terms of that licence and supervision and commit no further offence, or he will be liable to serve a further period in custody. In light of his sentence, and the type of offence for which he has been sentenced for, we did not consider it appropriate for a service compensation order to be made in this case. Indeed, we felt that it would be counterproductive for [name redacted] to receive some form of monetary compensation for what was clearly a very sort of troubling and traumatic incident.

Finally, before I invite the President to formally pass sentence, I must certify that Guardsman Cama has been convicted of a sexual offence. He will be subject to the notification requirements for a period of 10 years. I have not been able to inform him of those requirements, nor have I been able to hand the certificate to him but that is a necessary consequence of the sentence that we have just passed.

Before I invite the President to pass sentence are there any other matters, Colonel Adair?

COL ADAIR: Your Honour, I am not able to see who is in the back of Court, but of course reporting restrictions remain in place in the ordinary way.

JUDGE ADVOCATE: Yes, there are no press here, but I have already made that direction, so it remains in force, thank you. Anything from you, Mr Thompson?

MR THOMPSON: One thing, your Honour. Just in relation to consideration given regarding civilian or military prison. I am presuming too serious for a military prison.

JUDGE ADVOCATE: Yes, we did. We considered whether detention would be an appropriate alternative to custody, but we found the custody threshold had been clearly crossed and that this was

a case where civilian imprisonment was not only the appropriate sanction but the proportionate one as well.

MR THOMPSON: Thank you, your Honour.

JUDGE ADVOCATE: Okay.

SENTENCE

PRESIDENT OF THE BOARD: Guardsman Cama is sentenced to 12 months custody and dismissed from Service.