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IN THE COURT MARTIAL

held at

MILITARY COURT CENTRE, CATTERICK

on the

26th March 2025

in the case of

REX

V

30300204 Lance Bombardier Aaron Enne HOVIUS

5th Regiment Royal Artillery

JUDGE ADVOCATE

Judge Legard

Assistant Judge Advocate General

SENTENCING REMARKS

JUDGE ADVOCATE: Lance Bombardier Hovius, just remain seated, please for the moment. You fall to be sentenced in respect of a single offence of sexual assault. To that Charge you pleaded guilty and that was upon your request to be re-arraigned following your testimony at trial this week.

The combination of the CCTV footage that we watched on numerous occasions, together with your quite candid answers that you gave under cross-examination to Colonel Adair, left you with precious little room for manoeuvre and a guilty plea was all but inevitable.

It is fair to say that you had plenty of opportunity to plead guilty prior to trial and that would have obviated the need for the victim, who is a serving US servicewoman, to cross the Atlantic to give evidence and to face the ordeal of having to relive the events that form the basis of the Charge.

Nevertheless, you will receive a small amount of credit for having done so in due course.

You are 26 years of age, and you have over 4 years of service with 5 Regiment Royal Artillery. You have a previous offence of AWOL recorded against you, that is of no relevance in this case. There is a conviction recorded on your PNC for driving over the prescribed limit. That is not relevant in terms of aggravating this index offence, but nevertheless it does demonstrate to the Board that you have had, I will use the past terminology, a worrying relationship with alcohol. We are told by Mr Bolt that you are taking positive steps to get a grip on that. We are told that you have broken your addiction to alcohol, well we sincerely hope that that is true.

You do not need any reminder, at your age, of the destructive nature of alcohol. It ruins lives and ruins careers, as it is shortly to do in your case. It also ruins relationships and causes irreparable damage to the future of particularly young men such as yourself. It is rather sad in that sense. Nevertheless, for the purpose of this hearing, we are prepared to treat you as a man of hitherto good character.

The facts of this unfortunate case can be briefly stated. In the late evening of 7th September last year, whilst in the Lazy Corner Bar in Poland, you drank yourself, it has to be said with the assistance of some others, into a state of extreme intoxication. The CCTV footage speaks for itself, and you can be seen to be incapable at times of basic physical coordination.

Now, at the time both yourself and the victim in this case, [name redacted], were deployed on Op CABRIT in Poland. She, of course, as I have already alluded to, being a US servicewoman. Now, it is fair to say that others, not just yourself, and that includes the victim, also had plenty to drink. [Name redacted] was, in her mind, in the company of either friends or fellow servicemen and women, yourself included. She was perfectly entitled to assume that she would be safe in your company.

The CCTV footage tells its own story. Prior to the incident in question, there was a small amount of what could be described as flirtatious and somewhat drunken interaction between the two of you. Nothing whatsoever that could have been interpreted by you as an invitation to what you are subsequently seen to do.

Whilst you are standing beside her, she is engaged in conversation with someone else, you reach out, with your arm. You place your hand directly onto her vaginal area. That was a deliberate act, and she had given you no indication whatsoever that she had or would consent to having her vagina touched by you in that way.

There is no victim impact statement in this case, so I turn to the Sentencing Guidelines. The revised Judge Advocate General's Guidance encourages us to apply the civilian Sentencing Guidelines but, in doing so, we are to consider whether there are any features of Service life which might serve to either heighten culpability or harm or aggravate or mitigate the offence itself. We must be careful, of course, to avoid any double counting.

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

"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 undermines operational effectiveness."

Now, for offences of his nature, as I have already indicated, we are encouraged to follow the Sentencing Guidelines, and it is to those that I now turn. The Board is satisfied that this offence falls within Category 3 for harm and B for culpability, there being no specified factors present in this case that might give rise to a placement in any higher category.

There are however some specific service factors present in this case, but we consider those to be aggravating features of the offence as opposed to features that might justify placement in a higher category. Furthermore, although this was, as I have already indicated, a deliberate touch by you upon [name redacted], it is the Board's view that this was more opportunistic than pre-meditated.

A category 3B offence or rather placement provides for a start point of a high-level community order with a range of a medium level community order to 26 weeks' custody. Custody means civilian imprisonment. The fact that you were under the influence of alcohol at the time, and in the presence of others, when you committed this assault, serves to increase the sentence from that notional start point.

The other factors which aggravate the offence, in a service context, is the fact that this offence was committed against a Service woman of an allied country whilst deployed abroad. Those factors can of course give rise to severe reputational risk to the United Kingdom's Armed Forces.

In mitigation on the other hand, you have no relevant previous convictions. We ignore the matters to which I've alluded. You are of hitherto good character. This offence was clearly out of character. It was short-lived and you were off duty at the time.

There is no pre-sentence report in this case. Following discussion with counsel, yesterday afternoon, the Board decided to proceed to sentence without the assistance of such a report although we did reserve the right to pause this process if we felt it necessary at any time to obtain such a report.

We have taken into account all that has been very ably expressed on your behalf by Mr Bolt. You have much to thank him for. He has brought to our attention a number of matters including the challenges which you have faced in the past together with the steps that you have taken to deal with your alcohol addiction. We note your proud family history of service within the Dutch military. No doubt these proceedings will have been and are acutely embarrassing and humbling for you.

Notwithstanding the late plea, we do accept that you have demonstrated, in part through the answers you gave under cross-examination, a degree of remorse which is genuine. Finally, we have read a number of positive character references from your immediate chain of command, all of whom appear to hold you in high regard, although we do note that these were each written prior to your guilty plea being tendered yesterday.

Now, Lance Bombardier Hovius, would you now please replace headdress and stand? Thank you. This type of behaviour is wholly unacceptable. All people, whatever their sex, must be able to enjoy a night out in the company of friends and colleagues in the safe and secure knowledge that they will not be subjected to this type of drunken sexualised behaviour but instead, be afforded the respect that they properly deserve. Your behaviour that evening was inexcusable. It represents a betrayal of the values and standards of the Armed Forces, and it goes without saying that anyone in the civilian world, convicted of such an offence would inevitably be dismissed for gross misconduct.

We have considered the financial effect upon you of dismissal. We have taken into account all the mitigating factors put forward and notwithstanding those matters we do not consider that any lesser form of sentence, short of dismissal would be sufficient in these circumstances. Accordingly, you will be dismissed from His Majesty's Service.

A sentence of Service detention is not a custodial sentence, that was Parliament's decision. If Parliament had wanted Service detention to be a custodial sentence, it would have included it within the list of such sentences, it did not do so. However, the Judge Advocate General's guidelines make clear that in the Service jurisdiction, an equivalent sentence to a high-level community order would be 30 weeks' detention with a range of 25 to 35 weeks.

Taking into account the appropriate Sentencing Guidelines, considering your personal mitigation, the Board has concluded that your offence is serious enough to require a sentence of detention. The shortest possible sentence we can impose, having regard to the seriousness of this offence, is one of 32 weeks' detention.

We took as our start point 30 weeks, aggravating factors which in our mind outweigh the mitigation in your case, took us to 45 weeks. We adjusted that back to 35 weeks to take account of your mitigation and then we made a further small reduction to take account of your late guilty plea. The appropriate punishment and the principle of deterrence can only be achieved by your immediate detention and therefore we do not consider it possible to suspend that sentence.

Lance Bombardier Hovius you will serve up to two thirds of your 32-week sentence in the military corrective training centre before you are eligible for remission. Your sentence of detention will end when you are released. There is no period of licence, no probation requirements, no recall provisions. In detention you will get whatever specialist support you require in order to rehabilitate yourself and we sincerely hope that will include further assistance in terms of dealing with any alcohol addiction.

Finally, I certify that you have been convicted of a sexual offence so you must, for a period of five years, from today's date, keep the police informed at all times of your personal particulars, the address at which you are living, any alteration in the name you are using. You will be given full details of those requirements on a form at the end of this hearing. If you breach those requirements, you are liable to be punished by a term of imprisonment of up to five years.

Those notification requirements, Lance Bombardier Hovius, are not as onerous as you might think they are. It is just a simple question of just keeping police informed of your personal details should they materially change.

Before Madam President passes sentence formally, can I just say this to you, if I may Lance Bombardier Hovius. I have no doubt that going down to MCTC now may come as something of a shock. Invariably

it does but it is up to you to go down to Colchester, take advantage of what the staff can offer you down there, over the next 20 weeks or so because that is roughly what it will be. You will get a significant amount of assistance and support down there. If you engage with them, if you maintain a positive frame of mind and we hope you will, if you give yourself some time to press the reset button, you will likely emerge from Colchester in a much better place and actually better equipped to meet the challenges that lie ahead in civilian world, but it is really a matter for you. The ball is in your court, okay?

Can I please ask the escort to stand and replace headdress? Madam President, will you please formally pass sentence.

SENTENCE

PRESIDENT OF THE BOARD: Lance Bombardier Hovius, you are sentenced to 32 weeks' detention in MCTC and will be dismissed from His Majesty's Armed Forces.