

CRC 201-2004

**IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU**

Criminal Case No.201 of 2004

(Criminal Jurisdiction)

PUBLIC PROSECUTOR V. ETHRIC OBED

Coram: Mr Justice Oliver A. Saksak
Mrs Cynthia Csiba – Clerk

Mrs Linnes Moli – Prosecutor
Accused appearing in person unrepresented

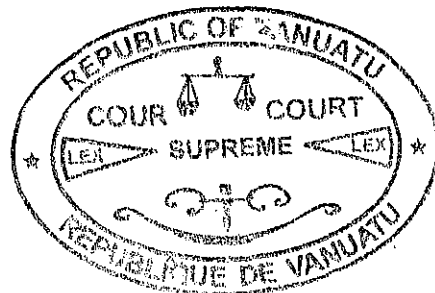
Date: Friday 3rd September, 2004.

SENTENCE

The Accused, a 20 year old student at the Vaiduhu Rural Training Centre, Malo pleads guilty today to a charge of rape contrary to section 91 of the Penal Code Act [CAP.135]. The plea is put after the Court has asked the Accused two times whether he wished to speak to the Public Solicitor before he enters a plea. He chooses to enter a plea today despite that advice and opportunity.

The complainant of this sexual assault is an expatriate lady. She is married. She teaches as a teacher with her husband at the Vaiduhu Rural Training Centre on Malo Island. The Accused is one of her students. He sexually assaulted her on the morning of 16th August 2004 while she was joking with her dog. There was a struggle and there was penetration. There was no consent. The incident occurred some 4 kilometres away from the village.

The sexual assault was aggravated. The following factors were considered in this regard –



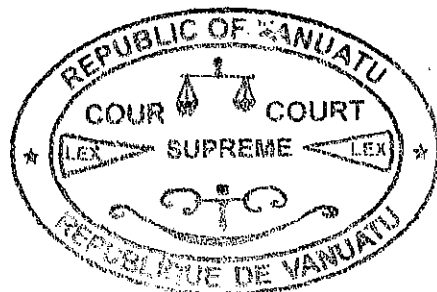
- (a) The complainant is an expatriate volunteer with the US Peace Corps.
- (b) She is the teacher of the Accused.
- (c) She is a married woman. The distress caused to her and her husband as a result of what happened could be enormous and disastrous to their relationship.
- (d) She was threatened by the Accused with a piece of wood, pulled by her hair and dragged some 5-6 metres from the main road into the bushes.

These factors add to the seriousness of an already very serious offence.

In sentencing the Accused the following factors are considered to afford some credit to the Accused –

- (a) He is a first offender with no previous criminal record.
- (b) He co-operated with the Police by making admissions.
- (c) He chooses to plead guilty at the earliest opportunity.
- (d) He apologies to the Court for what he did.


Rape carries a maximum sentence of life imprisonment. This case is serious in that the complainant is an expatriate worker on an aid scheme. The impact of such an attack on an expatriate woman can have very disastrous effect on Vanuatu. The image and reputation of the people of Malo and Vanuatu generally may suffer a great deal as a result of this unwarranted sexual behaviour. The Court must send a clear message as a deterrence both to this accused and to others that the Court will not be lenient on anyone who commits rape of such a nature as this one.



For those reasons I now sentence you Ethric Obed to 30 years in jail. There will be no release on licence and/or a pardon until you have served up to 2/3rds of the 30 years jail-term. This is to mark the seriousness of this offence that you have committed.

DATED at Luganville this 3rd day of September, 2004.

BY THE COURT


OLIVER A. SAKSAK
Judge

