

**IN THE SUPREME COURT OF  
THE REPUBLIC OF VANUATU**  
*(Criminal Jurisdiction)*

**Criminal Case No. 13 of 2010**

**PUBLIC PROSECUTOR**

**-V-**

**WILLIE ISAAC**

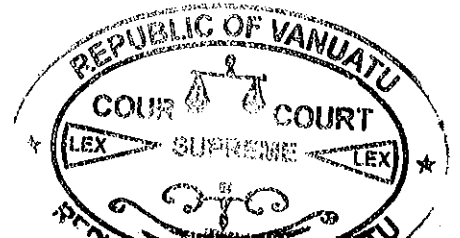
*Coram: Justice N. R. DAWSON*

*Date of Sentencing: 18<sup>th</sup> June, 2010*

*Counsel: Mr. G. Takau for Public Prosecutor  
Mr. E. Molbaleh for Accused*

**SENTENCE**

1. The defendant appears today for sentencing on a charge of sexual intercourse without consent.
2. On the night of 23<sup>rd</sup> January, 2010 the complainant and some friends were drinking at the Elluk plateau when they were approached by the defendant and some of his friends. One of the defendant's friends assaulted one of the complainant's friends. The defendant told the complainant to run but she did not want to and he grabbed her and together they ran away from the others into the bush. Once they were in the bush they then stopped and prayed. After praying they went back to the road and then again returned to the bush. The complainant wanted to go but was told by the defendant that his friends would do something to her, so she stayed with him. She did not know him and she was not familiar with the area that she was in and did not know a way out. It was also a very dark night. The two of you came to a house and saw a woman and the complainant asked her to help but you squeezed the neck of the complainant and told her not to shout. After a while in the bush you then demanded sex from the complainant but she refused. You forced her to have sex and told her that you would kill her if she did not consent. She told



you that she was having her menstrual period but you still insisted that you would have sex with her. Because she was afraid of you, the complainant removed her clothes and you then penetrated her vagina with your penis and ejaculated. After having sexual intercourse with the complainant, she went home and told her family what had happened to her.

3. I have read the submissions by the prosecution counsel, by your defence counsel and I have also read the Probation Report. In sentencing you it is necessary that I denounce your behaviour. It has been said by this Court many times, that women in this community are entitled to be safe and to be free of the depredations of persons such as yourself who seem to think that they are entitled to demand sex from women whether they want to have sex with you or not. A sentence needs to be imposed that will act as a deterrent and to sent the message to men in the community that this sort of behaviour is not acceptable, it is abhorrent and the Courts will punish them accordingly. Your sentence needs to reflect the gravity of your offending.
4. The Court also notes your bizarre behaviour in that you took the complainant away from what you told her was a dangerous situation, you then prayed with her, and then you followed that by raping her. It is extraordinary behaviour on your part. There were aggravating features to your offending. You threatened to kill the complainant. There was also an abuse of trust in that you persuaded her that she needed to go with you for protection and when she did so you used her vulnerability of being alone with you to rape her.
5. In mitigation you entered a guilty plea at an early stage, you have expressed remorse and you have no previous convictions. The Probation Report writer notes that you are very sorry for what you have done and you have offered to conduct a reconciliation ceremony.
6. An appropriate starting point to sentence you would be a term of imprisonment of 5 years. I then take into account the aggravating factors I have mentioned, and it is necessary to increase that sentence by a further year to a term of imprisonment of 6 years. I then take into account the



mitigating factors and reduce your sentence by a third and convict and sentence you to a term of imprisonment of 4 years. I note that you have been in custody since 10<sup>th</sup> February, 2010 and therefore you have a balance of a present sentence to serve of 3 years 7 months and 20 days from today.

7. You have the right to appeal this sentence. For any appeal you must lodge a notice of appeal within 14 days of today's date.

**Dated at Port Vila, this 18<sup>th</sup> day of June, 2010**

**BY THE COURT**

