

BETWEEN: Public Prosecutor

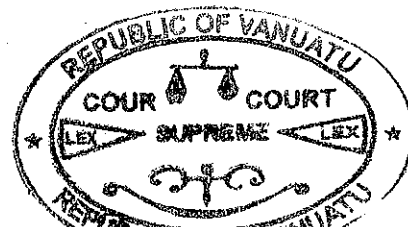
**AND: Willie Paul Sakari
Defendant**

Before: Justice Aru

*In Attendance: Mr. S. Blessing for the Public Prosecutor
Ms. P. Kalwatman for the Defendant*

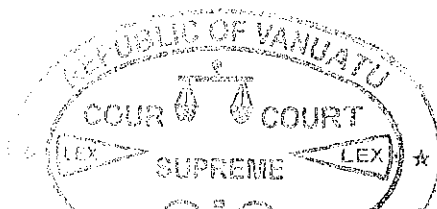
SENTENCE

1. WILLIE PAUL SAKARI you appear today for sentencing in this matter. You were charged with one count of act of indecency contrary to section 98A of the Penal Code [CAP 135]. The offence is punishable with a maximum penalty of 10 years imprisonment. On 6 March 2018 you entered a guilty plea to the charge.
2. The defendant comes from Siviri village at North Efate. He is the eldest of two boys who live with their parents. At the time of the offending the defendant was 18 years of age. Following an argument with his parents the defendant went to live with his cousin, the victim's mother and her family. They are close relatives and regard the defendant as an uncle to the victim. The victim was then 6 years old and attends the Grace Baptist school at Bladinieres estate but lives with her parents at Siviri, North Efate.
3. They were living together for about 4 months when on the 19 October 2017, the victim's mother lodged a formal complaint against him. It was alleged that on the 16 October 2017, the victim came home from school and was with her grandparents as her parents were still in Vila .Around 6 to 8 pm the victim's grandmother went to check her in her parents room . When she opened the door she saw the victim pulling up her pants and the defendant lying on the floor pretending to be asleep. The victim's



grandmother asked the victim why she was naked. She told her grandmother that she was asleep and the defendant pulled down her pants and was licking her vagina and anus.

4. On the 17 October 2017 the victim told her mother what the defendant did to her. On the 27 October 2017 the defendant was cautioned and interviewed by the Police but did not admit the allegations.
5. Any offending of a sexual nature against a child is always considered a very serious crime. This has been made plain by the Court of Appeal in **Peter Talivo v Public Prosecutor** [1996] VUCA 2 and **Public Prosecutor v Gideon** [2002] VUCA 7 .That men who abuse children sexually forfeit the right to remain in the community. The scale of such offending varies and each case will be decided on its own merits.
6. This current case involves the licking of the vagina and anus of a very young child. A custodial sentence is therefore warranted as punishment for your crime. The public at large is entitled to protection from such predatory behaviour and the sentence will also serve as a deterrence to your future offending and other likeminded individuals.
7. Although you were 18 years at that time there is an age disparity as the victim was 6 years old. Her family treated you as an uncle by allowing you to live with them and the victim was entitled to look to you for protection. You breached that trust and abused her in her own home where she is supposed to feel safe.
8. The starting point of your sentence is therefore 5 years imprisonment. Your presentence report states that you completed your schooling at year 7 due to financial difficulties. Your parents told your probation officer that you are disobedient at times although you take part in both community and church activities. You have no previous record and pleaded guilty at the earliest opportunity. Your probation officer also says that you recognise that what you did was wrong but could not perform reconciliation with the victim as her family have refused any custom reconciliation.
9. For your early guilty plea you are entitled to a one third discount of your sentence which is reduced and rounded off to 3 years imprisonment. A further deduction of 6

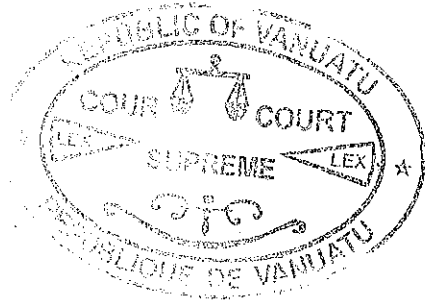
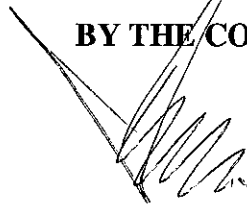


months is made for the remorse shown and willingness to perform custom reconciliation. Your end sentence is therefore 2 years and 6 months imprisonment effective from 27 November 2017 when you were remanded into custody.

10. Given the serious nature of your offending, the sentence will not be suspended. You have 14 days to appeal if you are not happy with the decision.

DATED at Port Vila this 25 day of May, 2018

BY THE COURT



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D. Aru
Judge