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

Criminal  
Case No. 20/1637 SC/CRML

**BETWEEN:** Public Prosecutor

**AND:** Grebin Malror  
Defendant

Date: 22 July 2020  
By: Justice G.A. Andrée Wiltens  
Counsel: Mr D Boe for the Public Prosecutor  
Mr S Garae for the Defendant

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**SENTENCE**

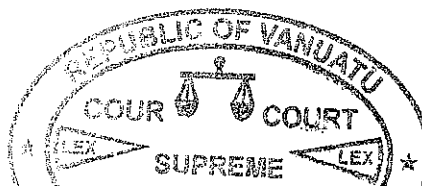
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A. Introduction

1. Mr Malror pleaded guilty to unlawful sexual intercourse with SJ(i) while she was under 13 years of age in 2018 and (ii) twice more in 2019, when she was between 13 and 15 years of age. The maximum sentence for this offending is life imprisonment and 15 years imprisonment respectively.
2. There is no issue here of Mr Malror compelling SJ to engage in such activity against her will – she maintains they were boyfriend and girlfriend, despite the age differential of some 14 years between them.
3. Mr Malror freely admitted the offending when interviewed. He explained he was taking revenge on his wife due to her extra-marital affairs as a result of which she became pregnant; and he had then decided to move on with his life.

B. Sentence Start Point

4. The aggravating features pointed to by Mr Boe are not accepted. I agree there is an age differential; and there is no evidence of protection being used. The real aggravation here is the repeat nature of the offending and the lack of understanding by Mr Malror of his actions on such a young person.



5. The sentence start point, on a global basis, taking all the offending into account, is a term of 6 years imprisonment.

C. Personal Factors

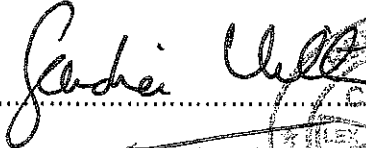
6. Mr Malror pleaded guilty at the first available opportunity. He is entitled to a discount for sparing the need for SJ to give evidence and the saving of Court time/costs. The discount available is 33%.
7. Mr Malror is 29 years of age, formerly in a defacto relationship He was a transport driver, but is now employed in the Lakatoro Trading Centre. He has no previous convictions.
8. Mr Malror has taken part in a kastom reconciliation ceremony. The substantial gift offered was accepted by SJ and her parents. Indeed he proposed that SJ become his future wife, and SJ's parents have consented to that.
9. For Mr Malror's personal circumstances there is a further discount from the starting point of 8 months.

D. End Sentence

10. Mr Malror is sentenced to 3 years 4 months imprisonment on all 3 charges concurrently. The sentence is to run from 19 May 2020 to take into account time already spent in custody.
11. Due to the nature and seriousness of the charges there can be no suspension of any/all of the sentence.
12. Mr Malror has 14 days in which to appeal this sentence if he is unhappy with it.

DATED at Luganville this 22<sup>nd</sup> day of July 2020

BY THE COURT

  
Justice G.A. Andrée Wiltens

