

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

Criminal
Case No. 21/329 SC/CRML

BETWEEN: Public Prosecutor

AND: George Buleban Molkis
Defendant

Coram: *Justice Aru*

Counsel: *Ms. M. Tasso for the Public Prosecutor*
Mr. H. Vira for the Defendant

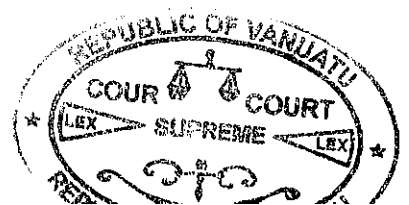
SENTENCE

Introduction

1. Mr George Buleban Molkis pleaded guilty to a single charge of unlawful sexual intercourse with a child under 15 but over the age of 13 years.

The facts

2. The defendant and the victim/complainant both reside at Namburu area in Vila. On 15 December 2020 the victim who was 13 years of age was playing in the rain when the defendant sent a boy by the name of Joseph to tell her the defendant wanted to see her. The victim went to the defendant's house and the defendant told her to go inside. Once inside the defendant told her to undress.
3. She was frightened when the defendant told her he wanted to have sexual intercourse with her. The victim feared for her life so she gave in to the defendant's demands. He told her to get on the bed and he followed by lying on top of her and penetrated her vagina with his penis. She felt pain and cried. After the defendant removed himself, the victim felt pain in her stomach and in her vagina. The defendant told her to have a shower and wash away the blood. The victim returned home and never told her parents for fear of being beaten. The incident came to light when Joseph told a relative of the victim about what happened. The relative told the victim's parents and when they enquired of her she told them what the defendant did to her.



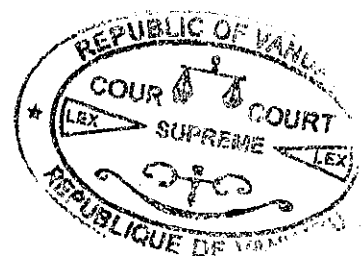
4. The matter was reported to the Police and the defendant was arrested. After being cautioned, the defendant admitted having sexual intercourse with the victim.

Starting point

5. The offence of having unlawful sexual intercourse with a child under 15 years but over the age of 13 years is punishable by a maximum penalty of 15 years imprisonment.
6. The offending is aggravated by the following factors:-
 - There is an age disparity
 - There is some element of planning
 - The victim was exposed to the risk of unwanted pregnancy
 - The victim was exposed to the risk of contracting sexually transmitted diseases
 - The psychological impact on the victim will continue to affect her.
7. There are no mitigating factors of the offending.
8. The starting point of sentence is 6 years imprisonment.

Personal factors

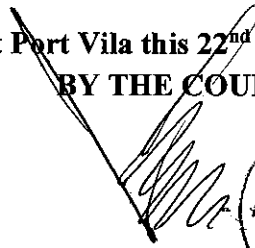
9. The defendant pleaded guilty to the charge at the first available opportunity. The sentence will be reduced by the full one third discount.
10. A Pre-Sentence Report has not been filed. However Counsel has helpfully provided the following information. The defendant is a first time offender and is 20 years old. He lives on Pentecost with his parents and only came to Vila to operate a kava bar and also intended to participate in seasonal work overseas.
11. A custom reconciliation was done by the defendant's family to the complainant and her family. The complainant has confirmed her acceptance of VT 50,000 cash with a Pentecost red mat as reconciliation for what happened to her.
12. The defendant had also spent roughly 2 months in custody. Taking into account these factors the sentence is further reduced by 18 months.



End sentence

13. The end sentence is therefore 2 years and 6 months imprisonment effective immediately.
14. The defendant has 14 days to appeal if he is not happy with the decision.

**DATED at Port Vila this 22nd day of June, 2021
BY THE COURT**



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**D. Aru
Judge**

