

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

**Criminal  
Case No. 21/1400**

**BETWEEN: Public Prosecutor**

**AND: Wilfred Bara**  
*Defendant*

**Coram: Justice Aru**

**Counsel: Ms. M. Taiki for the Public Prosecutor**  
**Mr. J Garae for the Defendant**

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**SENTENCE**

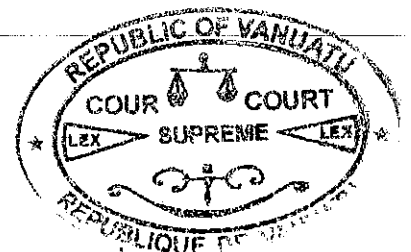
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**Introduction**

1. Mr Wilfred Bara pleaded guilty to one count of incest after being rearraigned and was convicted accordingly.

**The facts**

2. The summary of facts are not disputed. Sometime between 1 November and 30 November 2020 the complainant was inside their house at Vartob village when the defendant approached her and began touching her body. The complainant began to cry and ran outside the house. The defendant followed her and pulled her aside to a nearby mango tree. He forced her to remove her clothes and had sexual intercourse with her by inserting his penis into her vagina.
3. The defendant knew that the complainant was his biological daughter and that she was around 17 to 18 years old.



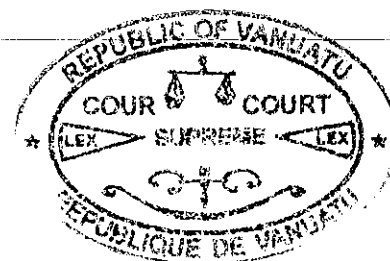
4. When the matter was reported to the Police the defendant was arrested. He was cautioned and interviewed and admitted the offending.

#### **Starting point**

5. The maximum sentence available for the offence of incest is 15 years imprisonment. Next I need to consider whether there are any aggravating or mitigating factors. There are a number of aggravating factors. There is a breach of trust. The defendant as the complainant's father abused that trust in him to protect her from such activity. The offending occurred in a home which should provide her with a secure environment to live in. There is an age disparity as the defendant is much older than the complainant. The incident exposed the complainant to the risks of unwanted pregnancy and sexually transmitted diseases. There are no mitigating factors of the offending.
6. The starting point of sentence is 6 years imprisonment.

#### **Personal factors**

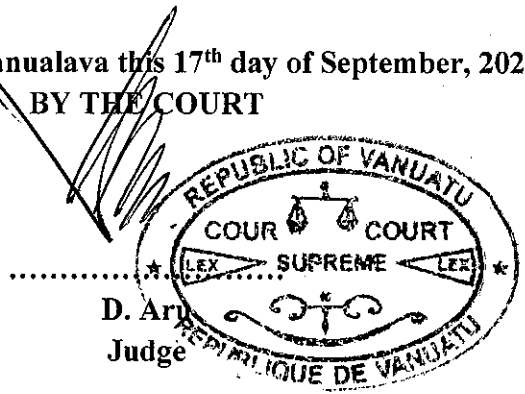
7. The defendant entered a guilty plea after the trial began and after the complainant gave her evidence. The sentence will be discounted by 15 percent for the late guilty plea.
8. The Same Day Report filed states that the defendant is a first time offender. He is 49 years old and is married with eight (8) children. He has not had any formal education and lives in the village. He assists with community activities and is a member of the Assemblies of God Church.
9. He earns his income to support his family by growing food crops such as yams and kava and selling them. He suffers from diabetes from time to time.
10. The Report says the defendant performed custom reconciliation in Santo by giving VT 15,000 to families of the complainant with a bucket of kava juice. The defendant confirmed to the Probation Officer that the complainant was not aware of this.
11. The defendant was remanded in custody for roughly two months before being released on bail.
12. The sentence is reduced by 14 months for personal factors and time spent in custody.



**End sentence**

13. The end sentence is rounded off to 4 years and 2 months imprisonment effective from today.
14. A suppression order is also issued to protect the victim's identity and she is to be known as FB only.
15. The defendant has 14 days to appeal if he disagrees with the decision.

DATED at Sola Vanualava this 17<sup>th</sup> day of September, 2021  
BY THE COURT



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D. Ari  
Judge