

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

Criminal  
Case No. 21/900 SC/CRML

BETWEEN: Public Prosecutor

AND: Andrew Rongo

Date: 21<sup>st</sup> April 2021  
By: Justice G.A. Andrée Wiltens  
Counsel: Ms M Taiki for the Public Prosecutor  
Mr R Willie for the Defendant

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SENTENCE

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A. Introduction

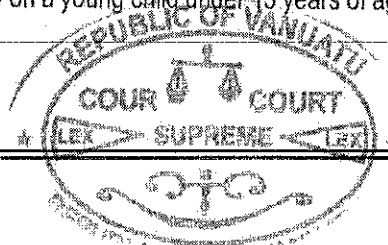
1. Mr Rongo pleaded guilty to an act of indecency with a young person.

B. Facts

2. On 5 November 2018 at around lunchtime, JS then aged 5 years, was picking up rubbish outside her house. Mr Rongo approached JS and told her that her mother was weeding grass at the Pastor's house – that was a lie. Mr Rongo and JS reside in the same village.
3. Mr Rongo led JS to the Pastor's house and on arrival told her not scream or shout as he removed JS's skirt and underpants. JS did shout as Mr Rongo touched her vagina, and that drew the attention of some children nearby. When Mr Rongo saw the other children he swore at them to leave. JS cried out again and Mr Rongo allowed her to go.
4. When interviewed by the police Mr Rongo admitted his offending.

C. Sentence Start Point

5. The sentence start point is to be assessed by having regard to the maximum sentence for the offending and taking into account the aggravating and mitigating aspects of the offending.
6. The maximum penalty for committing an act of indecency on a young child under 13 years of age is 10 years imprisonment.



7. There are no mitigating aspects to the offending. However it is aggravating that Mr Rongo took advantage of his relationship with JS, that he lied to her to encourage her to go off with him, and the fact that there was an element of planning involved.

8. I adopt a sentence start point, taking into account also that the touching involved skin on skin, of 3 years 6 months imprisonment. That reflects the brief nature of the event while also taking into account the extreme young age of JS.

D. Mitigation

9. Mr Rongo pleaded guilty at the first available opportunity. That follows his earlier admissions to the police. It acknowledges his wrong-doing and has saved Court time and expense. More importantly, it has spared JS the need to have to give evidence.

10. For his prompt plea I reduce the sentence start point for Mr Rongo by 33%.

11. Mr Rongo is now 18 years old. He was 16 years old at the time of offending. He is still single, residing with his family and has wood working skills. He has no previous convictions.

12. Mr Rongo co-operated with the police and claims to be remorseful. He participated in a custom reconciliation ceremony with JS's family, and his gifts and apology were accepted. However it is not clear the ceremony also included JS, the real victim of this matter.

13. For Mr Rongo's personal factors I reduce the sentence start point further by 17 months. That takes into account primarily his previous clear record and his tender youth and immaturity at the time of the offending.

E. End Sentence

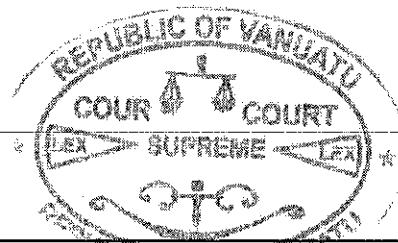
14. The end sentence is 12 months imprisonment.

15. I exercise my discretion to suspend the entire sentence for 2 years on the basis of Mr Rongo's prompt plea, lack of previous convictions and his youth and immaturity. In my view the sentencing principle of paramount importance is rehabilitation.

16. Mr Rongo needs to stay offence-free for 2 years to avoid incarceration for this offence.


17. 12 months supervision is also impose.

18. Mr Rongo has 14 days to appeal the sentence if he disagrees with it.



19. All details leading to the identification of JS are permanently suppressed.

Dated at Luganville, this 21<sup>st</sup> day of April 2021  
BY THE COURT

  
Justice G.A. Andree Willens

