

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

**Criminal**  
**Case No. 22/2176 SC/CRML**

**PUBLIC PROSECUTOR**

**v**

**SIMON NAPUAT NARAI**

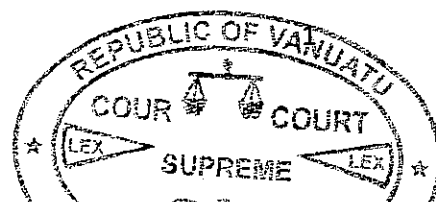
*Date:* 1 August 2024  
*Before:* Justice V.M. Trief  
*Counsel:* Public Prosecutor – Ms M. Tasso  
Defendant – Ms L. Bakokoto

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**SENTENCE**

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1. The Defendant Simon Napuat Narai pleaded guilty to incest contrary to para. 95(1)(a) of the *Penal Code* [CAP. 135]. He is convicted on his own plea and the admitted facts.
2. The complainant Asanda Narai is Mr Narai's biological daughter (his first-born child) living with a mental disability. She was 18 years old at the time of the offending.
3. In 2018, Mr Narai told Asanda to follow him to get dry coconuts from the plantation. When they reached the plantation, he told her to remove her clothes but she refused. Mr Narai told her not to make any noise but to remain calm. He then removed her clothes and penetrated her vagina with his finger while using his other hand to touch her breast. After that, he told her to suck his penis but she refused so he made her masturbate him by touching his penis. While she was doing that, he licked her breasts. Then Mr Narai told Asanda to lie down on the ground and he penetrated her vagina with his penis. This was the first time for Asanda to have sex with someone.
4. The maximum penalty for incest is 15 years imprisonment.
5. It is an aggravating factor of the offending that the sex was unprotected exposing the complainant to the risk of sexually transmitted infection and pregnancy, the 17-year



age differential, taking the complainant to an isolated area where he committed the offending, taking advantage of the complainant's disability to abuse her, and the gross breach of trust involved in the offending.

6. There are no mitigating aspects to this offending.
7. The factors set out above require a sentence start point of 7 years 6 months imprisonment.
8. I reduce the sentence start point by 30% for Mr Narai's early guilty plea which has saved time, saved the need for the complainant to give evidence and demonstrates remorse for the offending. The pre-sentence report writer also reported remorse on Mr Narai's part.
9. Mr Narai is 40 years old. He is married and has six children. He is a subsistence farmer. Mr Narai does not have prior convictions although in offences of sexual nature, a person's previous good character has very little relevance in mitigating a sentence.
10. For Mr Narai's personal factors, I deduct 6 months from the sentence start point.
11. Mr Narai spent 3 months and 13 days in custody (from 31 January 2024), effectively 7 months imprisonment. Accordingly, a further 7 months is deducted from the sentence start point.
12. The end sentence imposed is 4 years 2 months imprisonment.
13. The sentence is imposed to deter Mr Narai and others from such offending, to denounce such criminal conduct against young girls and against the values of society, to protect the community, and to hold Mr Narai accountable for his criminal conduct.
14. The end sentence will not be suspended. An immediate custodial sentence must be imposed for this serious sexual offending: *Public Prosecutor v Gideon* [2002] VUCA 7.
15. Mr Narai has 14 days to appeal the sentence.

**DATED at Port Vila this 1<sup>st</sup> day of August 2024  
BY THE COURT**

  
Justice V.M. Trief

