

CF

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

**Criminal**  
**Case No. 24/2805 SC/CRM**

**BETWEEN: Public Prosecutor**

**AND: Christian Robert**

*Date of Plea: 16th day of September, 2024*

*Date of sentence: 19<sup>th</sup> day of September, 2024*

*Before: Justice E.P Goldsbrough*

*In Attendance: Tasso, M for Prosecution  
Garae, Jr for Defence*

---

**SENTENCE**

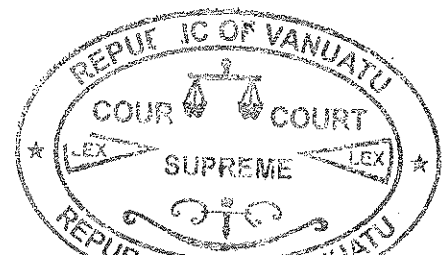
---

1. Christian Robert, you came before this Court charged with two offences of committing an act of indecency with a child. You pleaded guilty to one of those two offences, and the second offence was not proceeded with against you. Therefore, you are to be sentenced on one offence only.
2. That offence, contrary to section 98A of the Penal Code, is committing an act of indecency in the presence of a person under the age of fifteen. It took place on Malo Island in 2020 when the child, a girl, was in Class 3 at school. That would make her less than 15 years old, in primary school, and between 6 and 11 years old. She does not have a birth certificate.
3. One day after the girl had come across you when you tried to make her watch an obscene video on your mobile phone; she encountered you when she was with her brother going to fetch water. When you saw her approach your house, you went into the banana bush and took off your trousers, exposing your penis. Calling out to her to come to you, you continued to expose your naked penis to her. She avoided looking at you, ignored your

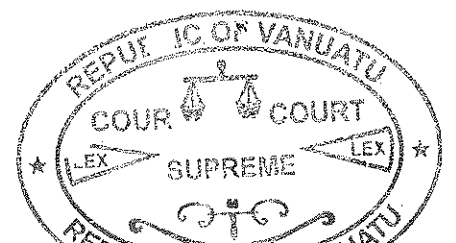


calls, and continued with her task of getting water and returning home with her brother. Afraid, she did not immediately report this to her parents.

4. She did, though, report your behaviour towards her in 2024 after she had returned to live on Malo Island after some time in Malekula. That report led to you being brought to court and charged with this offence. You have pleaded guilty to it after being committed to the Supreme Court in September of 2024.
5. Given the child's age at the time of this offending, an order is now made prohibiting the publication of anything that might identify her in public. That is addressed to the press and the wider public, who should not say anything that might lead to her being identified.
6. At your hearing on Tuesday, 16 September 2024, when you pleaded guilty to this single charge, the facts alleged were read out in both English and Bislama. Your lawyer told the Court that you agreed with what was read out to you. A conviction was recorded against you, and the matter was adjourned for a pre-sentence report.
7. Today, the pre-sentence report is available together with submissions made on your behalf and on behalf of the prosecution. Sentencing an offender can serve several purposes. You are held accountable for your behaviour and the harm you caused. You are deterred from offending again and perhaps rehabilitated. The public is protected from abhorrent behaviour. Sentences are consistent between offences or similar offences. Here, the important aim must be to stop re-offending.
8. This offence carries a maximum penalty of ten years' imprisonment. That, together with the features of your particular offence, assists the Court in determining the correct sentence to be imposed on you for your offence.
9. There is a large discrepancy between your age and the age of your victim. You were 54 years of age when you committed this offence, and your victim was around 8 or so years. You are regarded as a family member to her, so you took advantage and breached her trust; you exploited her immaturity and exposed her to behaviour entirely unsuitable for a child of such tender years. These factors make this offence more serious than some other similar offences.



10. Some factors make your offending less serious. You did not touch your victim. You appear to have done no more than expose yourself without any further sexual activity taking place. You did not force her to do anything; she could look away.
11. With these circumstances in mind, this Court arrives at a starting point of imprisonment for eighteen months.
12. Examining personal factors, you have no previous convictions for criminal offences. You have admitted your crime as soon as possible. You are entitled to credit for both of those factors.
13. Your family describes you as of good character and as a person who is helpful in your community. You are also described as a church elder. It is difficult to assess whether that should be taken in your favour or as a factor, which should weigh against you. As an Elder of the Church, you should be expected to be of a character not likely to offend in this way. That you did when not expected of you, some may say, makes your crime worse. Elders of the church are not expected to take advantage of young children for their own sexual gratification.
14. There is talk of you being reported to the police because others are jealous of your success in life. That, again, cannot be held in your favour, as it tends to suggest that you are not responsible for the crime you committed. You are and should be held responsible for your actions, which were wrong and badly wrong. This behaviour towards a young child is quite unacceptable as well as unlawful.
15. You are also entitled to credit for the time you spent in pre-sentence custody for this offence. You were taken into custody on 24 April and remained in custody until 26 June 2024, which is just over two months. That is the equivalent of a sentence of imprisonment of four months.
16. The starting point sentence is, therefore, reduced by one-third by giving you credit for your guilty plea. That leaves a sentence of twelve months imprisonment. Taking into account that you have already served time in pre-sentence custody, the balance of that twelve months, that is eight months imprisonment, is suspended for a period of two years.



17. That means that you are sentenced to twelve months imprisonment for this offence. You have served four months of that sentence already, and the balance of eight months is suspended. You will not have to serve the balance of eight months unless you commit more offences within the two years beginning today. The remaining sentence will not be activated if you keep out of trouble. If you appear and are convicted of further offence within two years from today, the sentence may then be brought into force.
18. You have done nothing yet to effect a customary reconciliation between your family and your victim's family but express willingness to do so. Provided the victim and her family are willing to participate in a customary reconciliation, you are encouraged to do so. Forget this notion of being the victim yourself and acknowledge in public your remorse rather than deflect responsibility on others.
19. No further orders are made beyond the suspended sentence of imprisonment. It is hoped that your time in custody already spent served to deter you from further offending. The suspension of the balance of your sentence is aimed at a similar end.
20. You have the right to appeal against this sentence but must do so within fourteen days from today.

DATED at Port Vila this 19<sup>th</sup> day of September, 2024

BY THE COURT

*E.P. Goldsbrough*

E.P Goldsbrough

Judge of the Supreme Court

