

PUBLIC PROSECUTOR

v

JOHN VANUASOKSOK

Date of Sentence: 17th day of June, 2025

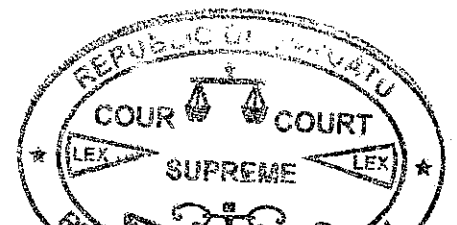
Coram: Hon. Chief Justice Vincent Lunabek

*Counsel: Ms M. Tasso for the Public Prosecutor
Mrs K. B. Karu for the Accused*

SENTENCE

A. Introduction

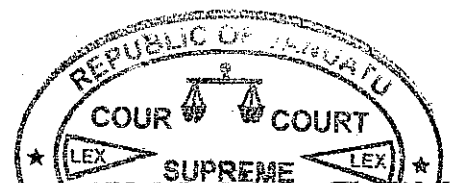
1. This is the sentence of the Accused, John Vanusoksok ("Mr Vanusoksok"). On 09 May 2025, Mr Vanusoksok was found guilty after a trial to the following:
 - (a) That sometime between 1 March 2024 and 30 April 2024 at Freshwater 3 area, he intentionally, showed to and caused the complainant girl to watch pornographic video, and at that time, she was only 11 years old (Count 1);
 - (b) That sometime between 1 March 2024 and 30 April 2024 at Freshwater 3 area, he indecently, on different occasions, touched the girl's breasts, touched her vagina, touched her anus, showed his penis, and caused her to touch his penis and at that time, she was only 11 years old (Count 2);
 - (c) That sometime between 1 March 2024 and 30 April 2024, at Freshwater 3 area, inside his bedroom, he intentionally has sexual intercourse, on different occasions, with the complainant girl by penetrating her vagina with his penis, and at that time, the girl was only 11 years old (Count 3);
 - (d) That sometime between 1 March 2024 and 30 April 2024 at Freshwater 3 area, inside his bedroom, he intentionally has sexual intercourse, on different occasions, with the girl complainant by pushing his penis into the mouth of the girl complainant, and at that time, she was only 11 years old (Count 4);



- (e) That sometime between 1 March 2024 and 30 April 2024 at Freshwater 3 area, inside the bathroom of the house, he intentionally has sexual intercourse with the complainant girl by penetrating the vagina of the girl complainant with his penis, and at that time she was only 11 years old (Count 6);
- (f) That sometime between 1 March 2024 and 30 April 2024, he intentionally threatened to kill the complainant girl, on different occasions, when he told her not to tell anyone about the sexual abuse he did on her, otherwise he will kill her (Count 7).
2. Mr Vanusosksok was, accordingly, convicted of: -
- (a) Acts of indecency with a young person, contrary to section 98A of the Penal Code Act (in Count 1);
- (b) Acts of indecency with a young person, contrary to section 98A of the Penal Code Act (in Count 2);
- (c) Unlawful sexual intercourse, contrary to section 97(1) of the Penal Code Act (in Count 3);
- (d) Unlawful sexual intercourse, contrary to section 97(1) of the Penal Code Act (in Count 4);
- (e) Unlawful sexual intercourse, contrary to section 97(1) of the Penal Code Act (in Count 6);
- (f) Domestic violence, contrary to sections 4(1)(a) and 10 of the Family Protection Act 2008 (in Count 7).

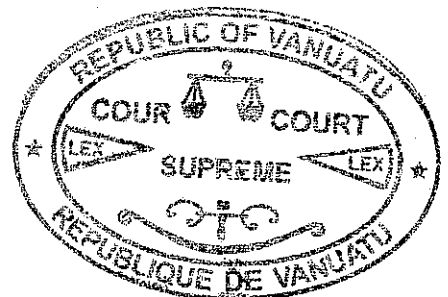
B. Facts

3. The complainant girl was 11 years of age and she will be 12 years old this year 2025. She was born on September 7, 2012. She lives at Bladinières with her parents. In 2024, she attended school at Freshwater School, she was at Class 6 and she finished school at 12.00pm O'clock at lunch time. This year 2025 she changes the school – she attends Dona Elite School.
4. She came to Court to tell the Court about something that happened to her in 2024.
5. She started her story that it was a Friday she finished School. She returned at the house (Freshwater 3). It was hot. She put her bag in the room. She drunk water. She went and sat in the sitting room. She watched TV. Then, her uncle, John came in the sitting room and pulled her hand in the room, then he touched her breasts, touched her vagina.

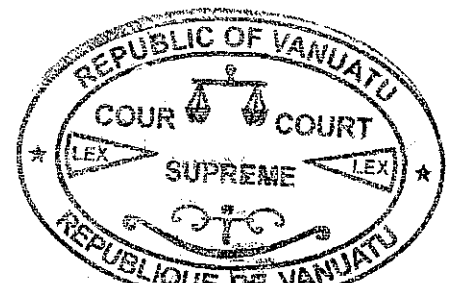


He then carried and put her on the bed. He then removed her clothes. He took his penis and pushed it into her vagina. He then moved up and down. He then pushed his penis inside her anus. He moved up and down until he ejaculated.

6. Then he showed her a video of naked white and black people having sex. After this, he pulled her hand inside the room. He made her laying on the bed. He lifted her legs up and pushed his penis inside her vagina.
7. The next time, she was in the bathroom having her shower, she said the accused came, opened the door of the bathroom and went inside the bathroom. He removed his clothes. He then carried her up and pushed his penis in her vagina. He then moved up and down and she said she saw his sperms (water blo hem) fallen down in the bathroom. He then came out of the bathroom.
8. On another occasion she said the accused carried her upside down causing his penis to go into her mouth and he was leaking her vagina. She was eating his penis (kaikai penis blo hem). After this, he put her on the bed, crossed her legs and pushed his penis into her vagina "and hemi muvmuv gogo mi look water blo hem icode out lo penis blo hem" (and he moved up and down until I saw his sperm coming out of his penis).
9. On another occasion, while he was pushing his penis inside her vagina and moved up and down, she was wanting to go to the toilet to urinate, she told the accused of that pressing need, the accused did not pay any attention, she said she urinated on the floor causing the accused to stop and remove himself out of her.
10. On a last occasion, he made her touch his penis, hold his penis and causing her to masturbate his penis and "makem mi stap kaikai" (sucking his penis).
11. After this, the accused stopped there. She said she saw that the accused's penis was not circumcised.
12. She said the events she described occurred in the month of March 2024 at the house at Freshwater 3 area near the Freshwater Park. Her big mother, Lavinia Vanusoksok and her uncle Patrice Vanusoksok live in that house at Freshwater 3. What she described happened at the house at Freshwater 3. The house belongs to her grandfather (apu) Fidèle Vanusoksok.



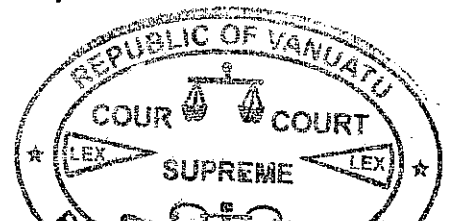
13. She said she lives at Bladinières with her parents but the incidents she said happened to her happened at Freshwater 3 in the house of her apu Fidèle Vanusoksok. She explained that during the day of the week, she lives with her father and mother at Bladinières, and during the weekends, she went and spent them with her big mother Lavinia Vanusoksok at Freshwater 3. She further stated that when she went to Freshwater she stayed there until Monday she went to school and in the afternoon her daddy came and took her back to Bladinières. Her daddy picked her up at the parking of the school every Monday after school.
14. At the time the accused did those things to her, she did not tell her daddy or mother or any other because she said "John italem lo mi se bae mi no mas talemaot" (John told me that I should not tell anyone about them). He said "*I should not tell anyone about these things otherwise he will kill me.*" It was not easy to keep those things for herself she said.
15. This was how her dad and mother knew about these incidents. It was a night. She was with her parents at their house at Bladinières. She and her dad were reading stories in the Bible. Then she heard that her mother was talking on the phone with her big mother Lavinia; and while they were talking on the phone, she heard the voice of her uncle John talking with her mother (saying good night as he might be there when Lavinia was talking with her mother Regina). She was freezing. She was no longer talking. She was quiet. Her dad talked to her but she did not respond. She was moving her hands, she was shaking. She did not respond to her dad. She remained quiet. Her dad asked her what was wrong. She sat and cried.
16. She said her dad told her to tell him what was wrong. Then she told her dad what happened to her. She told her dad those bad things that her uncle John did to her. When her dad heard them, he also cried. She could not remember the date she told her dad about these things.
17. She said her dad told her not to feel bad. Her dad told her that he will tell her of the story of a little boy. That story was in the Bible. The name of the young boy was Samuel. She said after her dad showed her the verses in the Bible Chapter 3 verses 18 which talked about Jehovah God was talking to Samuel in a dream that he should go and talk to Prophet Eli that his two sons did bad/rubbish things with the women who came and prayed in the Temple.



18. She related that the story of young boy Samuel encouraged her- that she must have strong thought and that she must not hide anything. She said after that she felt encouraged by the story of young Samuel; she started to tell the truth to her dad. She explained that she told her father what happened to her but she must not tell lies. After, she told everything that happened to her to her dad, she stopped going to Freshwater house.

C. Sentence Starting Point

19. The sentence start point is assessed by considering the maximum sentences available and the aggravating and mitigating factors of the offending.
20. The maximum sentences prescribed in the Penal Code Act [CAP 135] and the Family Protection Act of 2008 are: -
- a) Unlawful sexual intercourse (s. 97(1)) – Imprisonment for life.
 - b) Acts of indecency with a young person (s. 98A) – Imprisonment for 10 years.
 - c) Domestic violence (s. 4(1)(g) and s. 10 of the Family Protection Act) – Imprisonment not exceeding 5 years or a fine not exceeding 100,000 Vatu, or both.
21. There are no mitigating aspects to the offendings. There are, however, aggravating factor which include: -
- (a) A clear age gap, the Victim was 11 years while the Accused was about 30 years of age at the time of the offending.
 - (b) There are some elements of premeditation as per the verdict it suggested that all the offending occurred during the time the Victim was left alone in the family house with the Accused.
 - (c) The Accused exposed the complainant to sexual transmissible disease and teenage pregnancy as the intercourse was unprotected and the Accused ejaculated during the intercourse.
 - (d) Breach of trust because the Accused is the Victim's uncle.
 - (e) The offending occurred at the family home of the complainant the very place where she should be able to feel safe and protected from such unwanted behaviour.
 - (f) The Accused took advantage of the immaturity of the Victim.
 - (g) The offending's were repeated in nature.
 - (h) The Victim was specifically told by the Accused not to tell anyone about the offending.

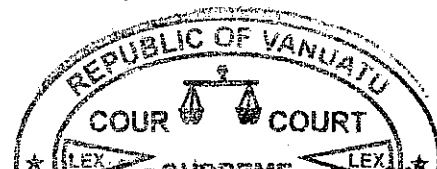


- (i) The difficulties the Victim had to go through before disclosing the incidents to her father (freezing, shaking and the crying).
- (j) During the course of the Victim's evidence in court she breaks down in tears a number of times when she recalled the incidents in the Court room.
- (k) At the time of the offending the Victim was attending Fresh Water School and she was in class 6. The offending had an impact on the result of her education at the time.
- (l) The emotional impact of the offending on the complainant girl. Mr Brant Bani specified in the interview that the offending had caused emotional harm on the girl complainant. It was the worst thing that ever happened to his daughter. The offending has caused his daughter to have nightmares and the fear of sleeping alone. The offending affects his daughter's education and whenever she recalls back on the incident, it brought back painful, upsetting memories associated with sexual abuse. The fear will lessen with time, but the trauma may disrupt the complainant's life for a while.

22. Based on Andy v PP [2011] VUCA 14 and Philip v PP [2020] VUCA 40, the Public Prosecutor submits that a sentence starting point ranging from 8 years to 10 years imprisonment is appropriate. The Defence counsel submits for a sentence start point of 9 years imprisonment.

23. In the present case, the following comparative sentences can be noted from the prosecution submissions: -

- PP v Epsi [2011] VUSC 287; CRC 65 f 2011 (27 October 2011) – The Accused was charged with 2 counts of unlawful sexual intercourse in which he pleaded guilty to. The offending first occurred when the Victim was 12 years old and on the second occasion, she was about 13 or 14 years old. Justice Spear applied a starting point of 7 years imprisonment. The Prosecution submitted that the Court could be guided by this case where the Accused took advantage of the young school girl and subjected her to numerous occasions of sexual intercourse. She was naïve and was not in a position to properly understand the gravity of the sexual conduct she was involved in.
- PP v Roy [2011] VUSC 99; criminal case 20 of 2020 (8 June 2011) – The Accused was charged with 3 counts of unlawful sexual intercourse in which the victim was a 13 years old girl while the Accused was 27 years of age. The judge applied a starting point of 6 years in concurrent of all the charges and arrived at an end sentence of 3 years and 6



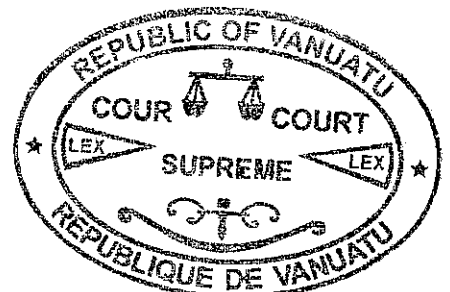
months imprisonment. The Prosecution invites the Court to be guided by this case in assessing the sentence of the Accused as in this present case, the facts of the case are quite similar where Accused is charged with 3 counts of unlawful sexual intercourse and the age of the Victim.

- PP v Timothy Steel [2020] VUSC; criminal case no. 2334 of 2020. The Accused pleaded guilty to two representative counts of acts of indecency with a young person. The facts suggested that the Victim was 11 years of age while the Accused was 60 years of age at the time of the offending. Prior to the offending the Victim's parents made an arrangement where the Victim's biological mother engaged in the fruit picking in New Zealand while the Victim's father teaches at Epi High School. The Accused agreed to look after the victim and soon after the Victim moved into the Accused's house, the Accused started to sexually abused her. The sexual abuse begins when the Accused used his mobile phone to show naked pictures to the Victim and it escalated to the point where the Accused touched the Victim's breast, vagina and exposed his naked penis to her. The matter came into light when the Victim disclosed the incident to the Accused's wife and that lead to a formal complain lodged against the Accused. In sentence, the judge after considering the aggravating factors, he applied a starting point of 4 years and 6 months imprisonment on concurrent global basis.

24. Based on the above, I assess the sentence starting point to 9 years imprisonment on the unlawful sexual intercourse concurrent on counts 3, 4 and 6; 4 years imprisonment on each count of acts of indecency with a young person in counts 1 and 2 concurrently; 3 years imprisonment for domestic violence in count 7. All sentences are to be concurrent. This means that the sentence start point of the Accused is of 9 years imprisonment.

D. Personal Factors

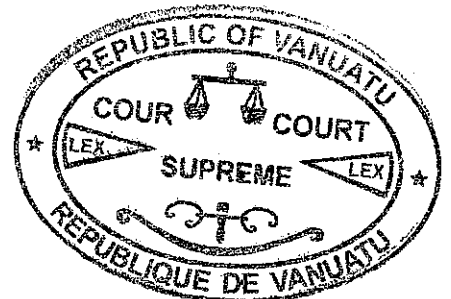
25. Mr Vanusoksok is now 31 years of age. You committed these offences at the age of 30 years. You are from Lamap Village, Malekula. You come from a family of 3 and you are the second last born in the family.
26. You ended your education at class 6 in the mission catholic primary school in the village. You have fishing and gardening skills.



27. You are suffering from hernia and you are currently under medication from Vila Central Hospital.
28. You do not have issues with your community and you were involved in many community projects.
29. You live in a de facto relationship with Ms Jessica Bong. Two boys and a girl were born out of this relationship aged 14, 12, and 8 years respectively.
30. You still deny committing those offences you stated that you have nothing to say about the offences because all allegations towards you were not true.
31. According to the correctional services records, Mr Vanusoksok, you are not a first-time offender. You were previously convicted of cannabis cultivation and have served 300 hours community work sentence from 28th June 2013 to 27th June 2015.
32. This previous conviction is part of your criminal records but for the purpose of your sentencing in this case, your previous conviction for cultivation of cannabis plants is not going to be taken into consideration.
33. I reduce your sentence starting point for 3 months to reflect on any of your mitigating factors (if any).

E. End Sentence

34. Your sentence of 9 years imprisonment is now reduced to 8 years and 9 months imprisonment.
35. The pre-sentence report shows that you are currently remanded at the Correctional Centre for this offending since 4th June 2024 until to date awaiting your sentence.
36. The time you have already spent in custody before your trial and awaiting sentence will be taken into consideration in your favour.
37. You are ordered to serve a term of 8 years and 9 months imprisonment with immediate effect.




38. Your term of 8 years and 9 months imprisonment is deemed effective from 4th June 2024.

39. You have 14 days from the date of this sentence to appeal against this sentence if you disagree with it.

DATED at Port Vila this 17th day of June, 2025.

BY THE COURT


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Hon. Vincent Lunabek
Chief Justice

