

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

Criminal
Case No. 26/272 SC/CRML

PUBLIC PROSECUTOR

v

ATKIN GARU NGERE

Date: 19 March 2026
Before: Justice V.M. Trief
Counsel: Public Prosecutor – Ms G. Kanegai
Defendant – Mr J. Garae

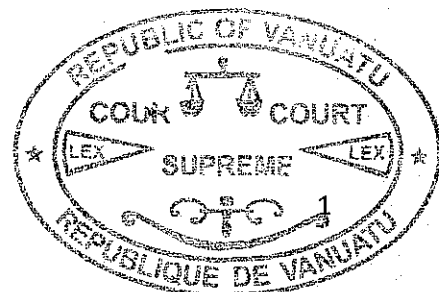
SENTENCE

A. Introduction

1. Mr Atkin Garu Ngere, you appear for sentence today having pleaded guilty and accepted the summary of facts in relation to two charges of indecency with a young person contrary to s. 98A of the *Penal Code* [CAP. 135]. You are convicted on your own pleas and the admitted facts.

B. Facts

2. The complainant girls RE and AH (names suppressed) are both 8 years old and attend the Luganville Adventist School
3. On 31 May 2025 at Sarakata area in Luganville, the girls attended Sabbath School and then went to the water tank to drink some water before attending the main Sabbath service. They saw you sitting by the water tank. You grabbed their hands



and touched their buttocks through their clothes. The girls moved away from your hands and ran off to the church service.

4. On 9 October 2025, you admitted the offending to the Police.

C. Sentence Start Point

5. The sentence start point is assessed having regard to the maximum sentence available, and the mitigating and aggravating factors of the offending.
6. The maximum penalty for the offence of act of indecency with a young person is 10 years imprisonment.
7. There are no mitigating aspects to the offending however, it is aggravated by the 40-year age differential between you and the victims, and offending against two different victims.
8. Taking these matters into account, I adopt a global sentence starting point of 12 months imprisonment.

D. Personal Factors

9. One third (4 months) is deducted from the sentence start point for your guilty pleas.
10. You are 50 years old. You are married and have 5 children. You are a Year 7 leaver. You work at Wilco Hardware Company and pay school fees for your children at Fulton College in Fiji, Year 13, Year 11, Year 7 and Class 3. You have no prior convictions. You have twice offered to pay custom compensation to the complainants but their parents refused, saying they wanted the Court to deal with the matter first. You are stated to be remorseful. I deduct a further 1 month from the sentence start point for your personal factors.

E. End Sentence

11. The sentences are imposed to denounce such criminal conduct against young girls and against the values of society, to hold you accountable for your criminal conduct, and to deter you and others from such offending.
12. Taking all matters into account, the end sentences imposed concurrently for act of indecency with a young person are 7 months imprisonment (Counts 1 and 2).

13. The Court has a discretion under s. 57 of the *Penal Code* to suspend all or part of the sentence where it is not appropriate to make an offender suffer immediate imprisonment "... (i) in view of the circumstances; and (ii) in particular the nature of the crime; and (iii) the character of the offender."
14. This was offending of a sexual nature which counts against suspension of the sentences however it was at the lower end of the scale involving touch over clothing. Your prior clean record and prospects for rehabilitation favour suspension of the sentences. Accordingly, the sentences are suspended for 2 years on the condition that you commit no further offence within that period. You are warned that if you are convicted of any offence in the next 2 years, that you will be taken into custody and serve your sentences of imprisonment imposed today as well as the penalty imposed for the further offending.
15. In addition, you are to complete 6 months of supervision.
16. All details leading to the identification of the complainants are permanently suppressed.
17. You have 14 days to appeal the sentence.

**DATED at Luganville this 19th day of March, 2026
BY THE COURT**


.....
Justice Viran Molisa Trief

