

BETWEEN: PUBLIC PROSECUTOR

CRC 35-1993

A N D: WILLIE ASAL

Coram : J. W. VON DOUSSA AJ

Prosecutor : HILARY TOA

Defence : STEVEN JOEL - PUBLIC SOLICITOR

REASONS FOR JUDGMENT

You have been convicted for two counts of rape. They are serious offences, they are serious for a number of reasons. You're a grown-up man and you knew full well that what you were doing was wrong and that you had chosen a young girl who in your words was under age. The law is very strict about the protection of young girls and I think you realise if you raped young girls or have sexual intercourse with them you will receive a heavy jail sentence. Your offence was even more serious than some because you broke into the victim's house at night time. That was something that was likely to terrify her in itself. People are entitled to treat their houses as safe places. If people break into the houses they can expect to get into trouble and to have their offences treated as serious ones. Your offence was also serious because you put your hand over the girl's mouth and frightened her by that, you then subjected her not only to the indignity of rape but to the filthy performance of putting your penis in her mouth. That was serious in particular because this young girl was a virgin at the time. It was also a matter of serious concern that you threaten the girl that if she told anyone she would be embarrassed by untrue stories told about her. And your general course of conduct has made them more serious by you going back on another occasion and repeating that performance. It's also a matter of concern that someone of your age should try and lead a young girl astray with a pornographic magazine. Overall these offences are very serious ones and I've got to impose a penalty that not only punishes you and it teaches you not to do it again but sets an example for the community so that everyone knows how serious the offence was. There are however a few things that can be said in your favor and I will give as much weight as I can to them. The first is that you did admit the offences when you were first questioned about them, and the next matter is that you've got no previous convictions, before this you seemed to have been a man that conducted his life in an exemplary way or proper way and I do take into account that you are quite obviously now very ashamed of yourself. But people who commit these sorts of crimes must realise that they will bring shame on their family and on themselves and that their names will be made public on the radio. Sometimes it is possible to reduce the sentence that would otherwise be given because the accused pleads guilty at an early date. There are two reasons for that. The first is that the early plea of guilty saves the dates, the cost of getting ready for the trial but I can't give any discount for that because you continued to plead not guilty right up until the point where the State was ready to go on with the case. The other reason for giving a discount is that the plea of guilty saves the victim the embarrassment of a public appearance and giving evidence in court. I will give you some discount for the fact that you did plead guilty but again I can't give very much because the victim has been brought here and she's had all the worry of getting ready for the case.

I propose to give you one jail sentence that will cover both the offences. If it were not for the fact that this is your first offence and that you've pleaded guilty you would probably get about 8 years for what you've done, but the sentence that I'll give you, because of those factors in your favor that I've mentioned is a sentence of 6 years imprisonment. That sentence will start from the 13th of January 1993 when you went into custody, and if you behave yourself in jail you will become entitled to certain remission for good behavior.

Dated this 7th day of July 1993 in Luganville Santo, VANUATU.

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J. W. VON DOUSSA

Acting Justice