

IN THE SUPREME COURT  
REPUBLIC OF VANUATU  
(Criminal Jurisdiction)

Criminal Case No. 100 of 2014

PUBLIC PROSECUTOR

-v-

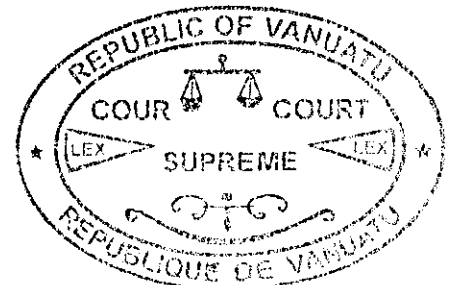
MANU KOMBE

Mr Boe for Prosecution  
Mr Vira for the Defendant

Hearing 21<sup>st</sup> May 2015 at Lakatoro

Sentence

1. Manu Kombe you have been convicted, after trial, of the offence of sexual intercourse without consent. The facts have been dealt with in my judgment and need not be repeated in detail. Suffice it to say I found that early in the night of 16<sup>th</sup> May 2014 you used force to overpower and rape a young female relative. I accept the physical injuries suffered by your unfortunate victim were not serious but the mental trauma caused by being sexually abused by a close, trusted relative will probably affect her for the rest of her life.
2. The starting point in the sentence should be 6 years. Taking into account the time of day, the degree of physical force used and the traumatic effect on the victim another 2 years should be added to the sentence to reflect these aggravating factors. The total sentence will be 8 years.
3. Deducted from that sentence should be a period of approximately 20 months to reflect the fact that you have been in custody for just over 10 months awaiting trial. A further 12 months will be deducted to take into account your previous good character and for the remorse you are said to have shown including an expressed willingness to perform a custom settlement. I am told the victim's family have declined to take part in any ceremony. To my mind your remorse is articulated rather late in the day and you made your victim relive those horrific moments by protesting your innocence and requiring her to give evidence in court. I do not deny your right to require the prosecution to prove their case but the consequence is there can be no discount for a plea let alone an early plea.

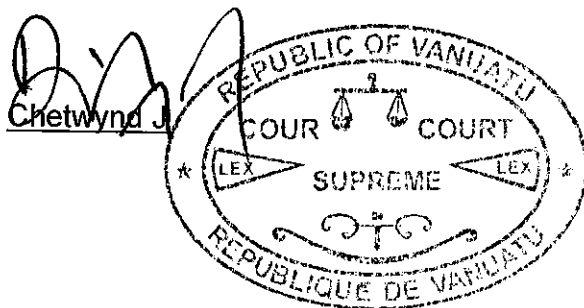


4. I will round the remaining sentence down 5 years. I am unable to suspend any part of the sentence because there is nothing "extreme" about the case. This is following the indication set out in the case of Gideon<sup>1</sup> which says where there is sexual abuse there should be no suspension of any sentence.

*"It will only be in a most extreme of cases that suspension could ever be contemplated in a case of sexual abuse. There is nothing in this case which brings it into that category. Men must learn that they cannot obtain sexual gratification at the expense of the weak and the vulnerable."*

You will serve a total of 5 years imprisonment commencing today.

Dated 21<sup>st</sup> May 2015



<sup>1</sup> Public Prosecutor v Gideon [2002] VUCA 7; Criminal Appeal Case 03 of 2001 (26 April 2002)