

**BETWEEN: Public Prosecutor**

**AND: Bong Kalveta**  
Defendant

*Date:* 15 October 2021  
*By:* Justice G.A. Andrée Wiltens  
*Counsel:* Mr K. Massing for Public Prosecutor  
Ms L. Bakokoto for the Defendant

---

**Sentence**

---

A. Introduction

1. Bong Kalveta pleaded guilty to a charge of abduction in October 2017. Thereafter he absconded and was only arrested on the execution of an Arrest Warrant on 22 September 2021.
2. Bong Kalveta's co-accused Yarval Lengkon was sentenced on 24 October 2017 to an end sentence of 18 months imprisonment suspended for 2 years and ordered to complete 100 hours of Community Work.

B. Facts

3. On 30 September 2016, Bong Kalveta and Yarrel Lengkon were both aged 16 years. That evening, following the consumption of alcohol at a wedding celebration, they approached the complainant of this matter DB who was 15 years old at the time. They all knew each other well. One of the boys put his hand over DB's mouth; the other grabbed her shirt and together they pulled DB to the nearby bush. There they tried to undress DB, but she resisted and called out. An adult heard the cries and interceded, which caused the boys to run off.



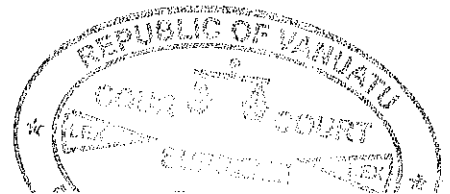
4. When subsequently interviewed by the police, Bong Kalveta admitted that they had abducted DB with a view to raping her.

C. Sentence Start Point

5. The sentence start point is to be assessed by having regard to the maximum sentence available for this offending, and factoring in both the aggravating and mitigating aspects of the offending.
6. The maximum sentence for the offence of abduction is 12 years imprisonment.
7. There are no mitigating aspects to the offending. However there are aggravating aspects which include the following:
  - planning and premeditation;
  - the fact that these were 2 older boys ganging up against a younger female;
  - DB was vulnerable, being removed from her friends at the time and alone in the dark;
  - the offending occurred at night when it was dark; and;
  - the purpose of the abduction involved a plan to rape a young 15 year old girl.
8. The start point adopted by the sentencing Judge in the case of Yarvel Lengkon was 3 years imprisonment. While it desirable to achieve consistency of sentence, I consider that start point to be inadequate to reflect the criminality of Bong Kalveta's offending. I adopt a sentence start point of 4 years imprisonment.

D. Mitigation

9. Bong Kalveta pleaded guilty at the first available opportunity. As a result, DB was not required to give evidence against him at trial. For that factor I reduce the sentence start point by one-third.
10. Bong Kalveta is now aged 22 years. He is single and living with his family. He has had limited education but is skilled at farming.
11. Bong Kalveta has no previous, or subsequent, criminal convictions.
12. His family offered an apology to the victim's family with an offering of VT 22,000. Bong Kalveta advised the PSR writer that he was willing to undertake a custom reconciliation ceremony. However, I consider he has had ample opportunity to do so, which opportunity he has spurned. Further, I note that he told the PSR writer that his offending involved "just making fun" with no real intention of carrying through the plan. That statement makes it plain that Bong Kalveta is not truly remorseful. I reject his statement to the contrary as reported in the PSR.
13. Bong Kalveta was just 16 years old at the time of his offending. For his youth and obvious immaturity, I reduce the sentence start point by 15 months.



14. For his other personal circumstances, there is a further reduction warranted of 6 months imprisonment.

15. The fact that alcohol may have been a causal factor in the offending is not mitigating. I further consider that the very short duration of the abduction is not mitigation – that was due to the intervention of a Good Samaritan thwarting the plan of abduction for the purpose of rape.

E. End Sentence

16. The end sentence imposed is 11 months imprisonment. Bong Kalveta has been remanded in custody since 22 September 2021 – according the sentence is to commence from that date to preserve his parole rights.

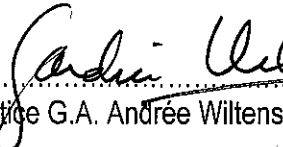
17. This Court has the discretion to suspend all or part of the sentence in circumstances relating to the offending or the offender which warrant that. I acknowledge that Yarvel Lengkon received the benefit of such discretion. However, I do not consider the same leniency is warranted for Bong Kalveta. Although he promptly pleaded guilty, he thereafter absconded and avoided the authorities for 4 years rather than be sentenced. His stated remorse is not accepted. The custom reconciliation ceremony did not involve the offender, and he has spurned the opportunity to correct that. There is no exceptional reason to suspend the sentence arising from the offending or Bong Kalveta's personal circumstances. He already has recognition for his youth, his lack of previous and subsequent convictions and his prompt plea. To suspend the sentence or part of it would undermine the sentencing principles of deterrence, holding the offender accountable, and giving due consideration to the effects of the offending on DB. In the circumstances I decline to exercise my discretion, and accordingly there will be no suspension of sentence.

18. All details leading to the identification of DB are permanently suppressed.

19. Bong Kalveta has 14 days to appeal.

**Dated at Port Vila this 15th day of October 2021**

**BY THE COURT**

  
Justice G.A. Andrée Wiltens

