

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

**Criminal Case No. 23/2648**

**BETWEEN: Public Prosecutor**

**AND: Michel Rarua**  
*Accused*

**Date of Sentence:** *13th day of December, 2023*  
**Before:** *Justice E.P. Goldsbrough*

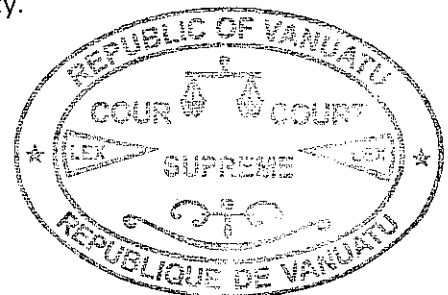
**In Attendance:** *Meltebury, M. for Public Prosecutor*  
*Taleo, B. for the Accused*

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**SENTENCE**

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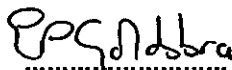
1. Michel Rarua pleaded guilty to two offences of having unlawful sexual intercourse, underage sex, with a 13-year-old girl. He, at the time of the offences, was 27 years of age, and she was 13 years of age. The offences took place on two consecutive days in June 2019. The prosecution was asked to explain why this case took as long as it did to come before this Court.
2. Michel Rarua went to the house of his victim, where she was alone. He made her follow him to the Showground in Luganville, and she did so through fear. Close to the Showground, he took her into the bushes, removed her clothing and had sexual intercourse with her against her will. She slept that night at his house, which is also close to the Showground, and the following day, allowing him to have sexual intercourse with her again through fear, not through any willingness on her part. She had no one else to protect her there and feared what might happen if she refused his advances. On each occasion, his penis penetrated her vagina.
3. These offences attract a maximum penalty of life imprisonment where the victim is under 13 years of age and fifteen years imprisonment where the victim is between 13 and 15 years. That maximum is used to help the Court determine a starting point for the offending and sentence. Here, there are two offences. There is a significant age difference, and the victim gave in to fear of harm from threats made by the offender. She was not a willing participant in the sexual activity.



4. Those factors are regarded as aggravating features of this offending. A starting point for the final sentence is set at five years.
5. In your favour, you pleaded guilty; no weapon was used to induce fear, only words. Your admissions were made at an early stage, and you have spared your victim the ordeal of telling the Court what happened to her. That has value in itself.
6. The pre-sentence report discloses that you are presently serving a custodial sentence of eight years and may be considered for parole in March of 2024. That sentence was imposed for unlawful entry and theft in 2020. The report suggests an additional custodial sentence for these two offences.
7. There has been no customary reconciliation attempted or suggested by you. This offending occurred in 2019, and there is no explanation for the four-year delay in bringing the matter to Court.
8. Your guilty plea allows the Court to reduce the five-year starting sentence by 30% and the delay in bringing this case by a further 10%, reducing the end sentence to three years imprisonment. That sentence will not be suspended, taking into account the nature of the offences and your character. What you did was too serious to allow for the sentence to be suspended, and you have shown that your character is not good.
9. For the two offences of having unlawful sexual intercourse, you are sentenced to three years imprisonment forthwith. That means that part of your sentence will run concurrently with your present sentence, and some of it will run after that sentence may have come to an end.
10. You have the right to appeal this sentence, but you must begin that process if you decide to appeal within the next 14 days.

DATED at Luganville this 13th day of December, 2023.

BY THE COURT



E.P. Goldsbrough  
Judge of the Supreme Court

