

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

Criminal
Case No. 22/2283 SC/CRML

PUBLIC PROSECUTOR

v

MATHEW NARUA

Date: 8 April 2025
Before: Justice V.M. Trief
Counsel: Public Prosecutor – Ms M. Meltebury
Defendant – Mr T.J. Botleng

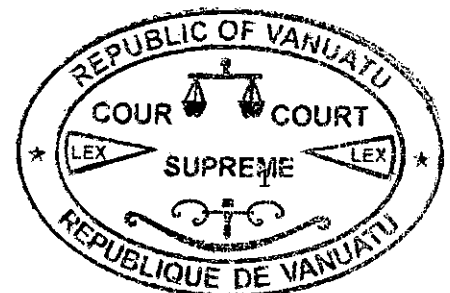
SENTENCE

A. Introduction

1. Mr Mathew Narua, you appear for sentence today having been found guilty after trial of 3 charges of sexual intercourse without consent contrary to para. 90(a) and s. 91 of the *Penal Code* [CAP. 135] (Charges 1-3).
2. The maximum sentence prescribed in the *Penal Code* [CAP. 135] for this offence is life imprisonment.

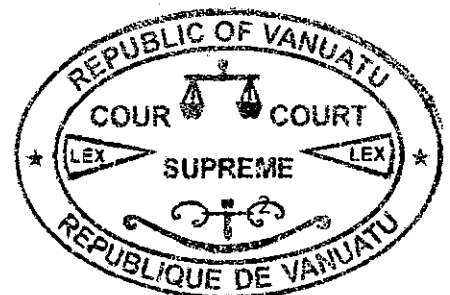
B. Facts

3. One Sunday morning in October 2021, the complainant Mrs Wendy Narwa was on her way to go fishing when she came across you. You pulled her shirt and



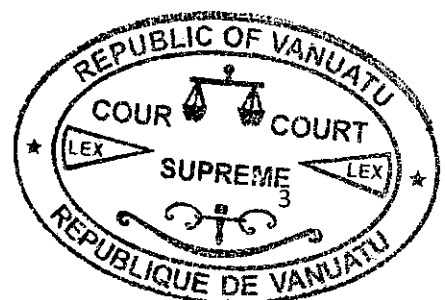
asked her to have sex with you. Mrs Narwa told you that the two of you could not have sex as you were married and so was she – her husband was overseas. However, you held on tight to her shirt and pulled her off the road. You told her to remove her clothes because you wanted to have sex with her. She said that she would not remove her clothes because she did not want to have sex with you.

4. You were holding a long piece of wood and told Mrs Narwa that you would beat her with the piece of wood if she did not have sex with you. You pulled your pants down halfway, pushed her down onto the ground and told her to remove her clothes. She was crying and told you that you were not her husband but you said that you would have sex with her or you would beat her with the piece of wood.
5. You told Mrs Narwa to remove her skirt or that you would beat her. She was so scared of you that she removed her skirt and you had sex with her by inserting your penis into her vagina. She could not push you away as you were too strong for her. Mrs Narwa did not consent to the sexual intercourse. In the circumstances in which you were holding a long piece of wood, you threatened to beat Mrs Narwa with the piece of wood if she did not have sex with you, you pushed her to the ground and told her to remove her skirt or you would beat her, and she was crying, you could not have believed on reasonable grounds that Mrs Narwa was consenting at the time that the sexual intercourse occurred. After the sexual intercourse, you told her not to report the matter to anyone or that you would kill her, hide her body and no one would know (Charge 1).
6. On a second occasion, in the afternoon some days later within the same month of October 2021, Mrs Narwa collected pawpaws for her children to eat from one of her gardens far from her house. She put the pawpaws in her bag and left the garden. You up behind her and pulled her bag to the ground. You were holding a big bush knife and said that you would have sex with her again. Mrs Narwa told you that she did not want to, then you showed her the knife and told her that she must have sex with you or that you would cut her with the knife. She was crying and saying, "No."
7. You grabbed Mrs Narwa's right shoulder tightly while holding the knife in your left hand, and told her to remove her clothes or that you would cut her with the knife. She was so scared that she took off her clothes and you had sex with her by inserting your penis into her vagina. Mrs Narwa did not consent to the sexual intercourse. In the circumstances in which you were holding a big bush knife and said to Mrs Narwa that you would have sex with her again, she told you that she did not want to, then you showed her the knife and told her that she must have



sex with you or you would cut her with the knife, she was crying and saying, "No" and you grabbed her right shoulder tightly while holding the knife in your left hand, and told her to remove her clothes or you would cut her with the knife, you could not have believed on reasonable grounds that she was consenting at the time that the sexual intercourse occurred. After the sexual intercourse, you again told her not to tell anyone what you had done to her (Charge 2).

8. On a third occasion, during the same month of October 2021 but after the first two occasions, Mrs Narwa was planting taro in her garden far away from her house when you approached her from behind then had sexual intercourse with her by inserting your penis into her vagina in the circumstances which she described. Again Mrs Narwa did not consent to the sexual intercourse. In the circumstances in which you were holding the same bush knife that you had during the previous occasion, Mrs Narwa told you that she did not want to have sex with you, you held the knife to her neck and threatened to cut her if she did not have sex with you then pushed her to the ground and had sexual intercourse, you could not have believed on reasonable grounds that Mrs Narwa was consenting at the time that the sexual intercourse occurred (Charge 3).
9. The sentence start point is assessed having regard to the maximum sentence available, and the mitigating and aggravating factors of the offending.
10. There are no mitigating factors to this offending.
11. The aggravating factors of the offending include:
 - Breach of trust;
 - The use of a weapon;
 - Force and threats were used to prevent the complainant calling out for help;
 - The offending was planned, occurring when the complainant was alone;
 - The repeated nature of the offending;
 - Unprotected sex which exposed the complainant to the risk of getting pregnant and to contracting sexually transmitted infection;
 - The effects on the complainant and harm suffered; and
 - Threatening the complainant not to tell anyone about the offending or that you would kill her.



12. The factors set out above require a global sentence start point of 9 years imprisonment.
13. You are 35 years old. You are married and have 4 children. You have participated in the seasonal employment scheme although you have not done so since the offending. You are presently unemployed. You are a Year 10 leaver. You denied the offending to the pre-sentence report writer hence there is no remorse on your part for the offending. No deduction is warranted for your personal factors.
14. You served time in custody from 16 August 2022 to 30 August 2022, an effective imprisonment term of 1 month therefore a further 1 month is deducted from the sentence start point.
15. Taking the foregoing matters into account, the end sentences imposed concurrently are as follows:
 - a. Sexual intercourse without consent (Charges 1-3) – 8 years 11 months imprisonment.
16. The sentences are back-dated to commence from 3 March 2025 when you were re-remanded, awaiting sentencing.
17. In certain circumstances the Court can suspend all or part of the sentences. However, that is not possible due to the seriousness of the offending and the type of criminal conduct involved: *Public Prosecutor v Gideon* [2002] VUCA 7. Even without this Court of Appeal authority, I consider that the principles of deterrence, holding the offender accountable for his actions and protecting the community require to be met with a condign sentence.
18. You have 14 days to appeal the sentence.

**DATED at Port Vila this 8th day of April 2025
BY THE COURT**


Justice Viran Molisa Trief

