

**PUBLIC PROSECUTOR**

**V**

**CHARLIE BULE**

Coram: Justice C. N. Tuohy

Mr. Tevi for Public Prosecutor

Mr. Bartels for Defendant

Dates of Hearing: 11 September 2006

Date of Decision: 11 September 2006

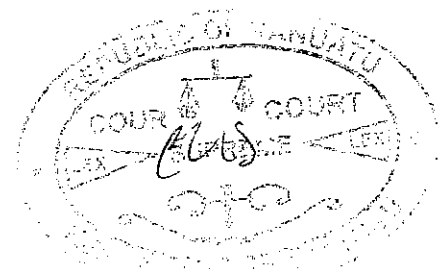
**SENTENCE**

1. Charlie Bule, you have pleaded guilty to one charge of rape. That is an offence under section 90 of the Penal Code, the maximum penalty for the offence of rape under the law of Vanuatu is life imprisonment.
2. The victim was your previous girlfriend. There had been a relationship of some years standing between you but it had finished. You had not accepted it that the relationship was ended



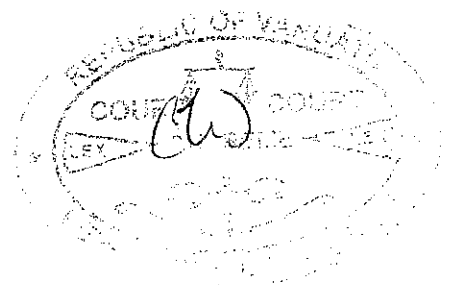
and you continued to try and make contact. Contact which she did not want.

3. On the 12 April 2006, you confronted her at USP using some force. You pressured her to go to your house at the Ohlen area. Using physical force and against her will, you took her to your bedroom. She was crying it must have been very clear to you that she did not want to be with you. You asked her for sexual intercourse and she refused. You did not accept her right to refuse sex and decide whether she would have sexual intercourse and or who with. You removed her clothes and asked her to do the same but she refused. You pushed her onto the bed and had intercourse with her by force, she was still crying. After some minutes that finished, you got up and lay across the door to stop her from getting out. She managed to use her mobile phone when you were asleep to get help. Her friends came and with some bravery on their part, they managed to get her away.
4. One disappointing aspect of this case is that her witness statement discloses that there were several other people in the house including some women, I think related to you, when this happened. I cannot believe that they did not hear her cries and did not have a fair idea of what was happening but no one inside the house took any steps to help her and that is very sad.
5. I want to say something about the effects on her of this. Fortunately, it appears that there was no physical injury caused to her but her statement shows that she has been greatly affected by loss of trust in people, by being afraid and by feeling dirty. I



have been told that she does not want to take part in a custom reconciliation ceremony. That is a position that she is entitled to take. I think it quite possible that many young women will not want to take part in a reconciliation ceremony when they have been the subject of sexual crimes. However, I do take into account your offer to participate in that as a sign of your sorrow and remorse.

6. There is an aggravating feature to this offence, one that makes it worse, and that is the use of some force to take her to your home and get her in the bedroom and keep her there against her will. Although the charges of kidnapping and false imprisonment were withdrawn, it has been made clear that I am to sentence you on the basis of the summary included in the submissions which include those facts.
7. There are also some mitigating factors. The first of all is that you had pleaded guilty at a very early stage. A plea of guilty is always taken into account by the Court and the sentence reduced because of it. In rape cases it saves the victim from the added stress and trauma of having to give evidence about what happened in a public Court.
8. I also take into account in your favour what Mr. Bartels has said that you are truly sorry for what happened and that your offer to go through a reconciliation ceremony shows that. I am pleased that you have accepted that the relationship is finally at an end and that she, the victim, wants nothing more to do with you ever.



9. I also take account in your favour that you have no previous convictions. I do not think your age affects the matter in any way, either way. You are aged 26, you are a grown man.
10. Both counsel had referred to the case of Public Prosecutor v Ali August Criminal Case No.12 of 2000, a the case which has been approved by the Court of Appeal in Public Prosecutor v Scott & Tula Criminal Appeal Case No.02 of 2002, as the guide line for the correct length of sentence in rape cases. I intend to follow those cases.
11. Here my view is that the starting point, before taking into account factors outside of the offending itself, should be increased by 1 year from the 5 years to 6 years for a start but then there should be a very big reduction for your guilty plea and your previous good character. So I think that the starting point of 6 years should be reduced to one third to a penalty of 4 years imprisonment.
12. So the sentence of the Court is that you will be sentenced to 4 years imprisonment but that will be reduced by the time you have already spent in custody as the law requires. That amount of time I have been advised is 4 months 23 days so that deducting that from 4 years, the sentence will be imprisonment for 3 years, 7 months and 7 days.
13. Finally I would ask the prison authorities take into account the wish of the victim that Mr. Bule serves his term of imprisonment on Santo as that would make her feel safer at least for that time.



But that is a matter not for the Court but for the prison authorities to decide.

Dated AT PORT VILA on 11 September 2006

BY THE COURT

