

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

Criminal
Case No. 20/1157 SC/CRML

PUBLIC PROSECUTOR

V

SALTUKRO RENI

Date of Sentence: 23rd day of July, 2020 at 9:00 AM

Before: Justice GA Andrée Wiltens

In Attendance: Public Prosecutor - Damien Boe

Defendant - Rollanson Willie

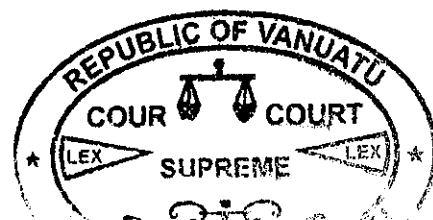
SENTENCE

A. Introduction

1. Mr Saltukro pleaded guilty to a representative charge of sexual intercourse without consent and a second charge of unlawful sexual intercourse with a girl under 13 years of age. The maximum sentence for both offences is life imprisonment.

B. Facts

2. Mr Saltukro's wife had a young daughter from a previous relationship when she commenced co-habitation with Mr Saltukro from 2017 onwards.
3. Mr Saltukro fancied the daughter. He forced her to touch his penis and he would suck her breasts and her vagina. If she resisted Mr Saltukro would take up a stick and whip her.
4. In 2019, when the daughter was still under 13 years of age, Mr Saltukro forced her to have sexual intercourse with him by threatening to cut her with a knife if she resisted. The sexual intercourse occurred in her mother's bed.



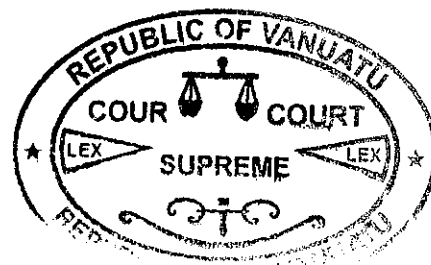
5. Thereafter, Mr Saltukro regularly forced the daughter to have sexual intercourse with him, through until March 2020. He further threatened her to not tell anyone or he would whip her or cut her with a knife. He also told her he would kill her if she told. The offending came to light when the daughter became pregnant to Mr Saltukro, and the matter was reported to the police.
6. Mr Saltukro admitted the offending when interviewed by the police.

C. Sentence Start Point

7. The sentence start point is determined by looking at the maximum sentences available and the aggravating and mitigating aspects of the offending.
8. There is no mitigating factor in this offending. However there are numerous aggravating aspects, mandatory:-
 - Sexual activity commenced prior to the offending;
 - Violence, over and above that to achieve sexual intercourse without consent was used;
 - Weapons were used;
 - There is repeat offending of a similar kind over a period of more than 15 months;
 - The complainant was less than 13 years old when the offending commenced;
 - There is a breach of trust – she was Mr Saltukro’s step-daughter;
 - The offending occurred at home, in her mother’s bed where the complainant should have been able to feel safe;
 - The sexual intercourse was unprotected, thereby exposing the complainant to sexually transmitted disease and actually making her pregnant;
 - Threats were used to facilitate the offending and to enforce the need to not tell anyone; and
 - The age differential – he was 43 and she was 12.
9. The start point, on a global basis taking all the offending into account, is set at 10 years imprisonment.

D. Personal Factors

10. Mr Saltukro pleaded guilty at the first available opportunity, sparing the young complainant the need to give evidence, acknowledging his wrong-doing, saving Court time and costs and indicating remorse. The sentence start point is reduced by 33% for this factor.



11. Mr Saltukro is now 48 years old, with no previous convictions. He has a good history in terms of family, community and employment. He has participated in a modest custom reconciliation ceremony and claims to be remorseful.
12. His de facto partner and their 2 children rely on him on the sole bread winner. He cooperated with the police investigation, but the PSR indicates he has little insight into his offending and therefore attempting to minimize the offending. His claimed remorse is therefore not accepted.
13. For his personal circumstances the sentence start point is further reduced by 6 months.
14. He has been in custody since 26 March 2020.

E. End Sentence

15. Mr Saltukro is sentenced to an end sentence of 6 years 2 months imprisonment, in respect of both charges concurrently. The sentenced is to start from 26 March 2020.
16. The sentence cannot be suspended due to the nature and seriousness of the charges.
17. Mr Saltukro has 14 days to appeal the sentence if he is unhappy with it.

DATED at Luganville this 23rd day of July, 2020

BY THE COURT

Andrée Wiltens
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Justice GA Andrée Wiltens

