

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

Criminal Case No. 22 of 2003

**PUBLIC PROSECUTOR**

-v-

**TELA AITIP**

**JUDGMENT**

The Court of Appeal said in the case of Talivo, that all children are entitled to be protected by adults. You were trusted with the care of this girl by her father. You abused that trust. Children must be safe in their homes. You have a wife and family of your own.

What do you think is the effect on the girl now and when she is older and has a boyfriend or husband of her own?

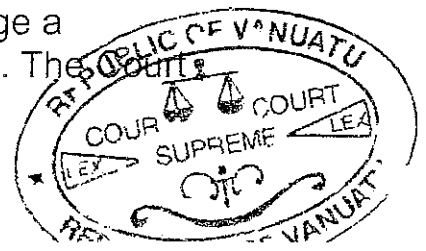
I give great credit for the fact you admitted the offending to the police and pleaded guilty. That has saved this girl a lot of upset. I also give credit for the fact you have no previous convictions. You are a family man and are looking after not only your own family but also the children of others and your own parents.

At the centre of this case is the fact there was a breach of trust. I sentence on the basis of your admissions that intercourse only took place four times, and in 2002 - 2003 when she was 15 - 16 years of age.

This was not one occasion, where there was a temptation and you had sexual intercourse. It happened as you say at least four times. You say there was consent. There is real doubt about that given her age and your age and her lack of experience. I sentence on the basis it was not without consent.

I accept you are now sorry, but it is too late for this girl.

I accept you have you have done your best to arrange a substantial custom settlement to show your remorse. The



takes that into account but must also look to this girl herself. And deterring others from doing this.

The guiding principles are set out in Talivo. There are some differences. In Talivo the girl was 12 years old, here she is 15-16 years. That is a significant difference in this kind of offence. But it does not lessen the criminality. In Talivo there are two occasions of abuse, here there at least four. In Talivo there was no ordinary full penetration but there was oral penetration.

I have great sympathy for your family, particularly your wife and your children, the young baby and the other family and the other children you look after.

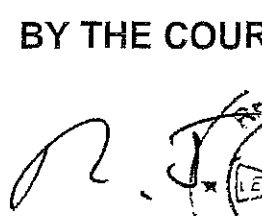
But it is you that caused this problem. There must be a prison sentence. It cannot be suspended. I will make it as short as I can given all your mitigation.

Sentence - 2 years

Informed of Right of Appeal

**DATED AT PORT VILA, this 18<sup>th</sup> day of June 2003**

**BY THE COURT**

  
**R. J. Coventry**  
Judge

