

IN THE SUPREME COURT OF  
THE REPUBLIC OF VANUATU

Criminal Case No. 8 of 2005

(Criminal Jurisdiction)

**PUBLIC PROSECUTOR**

**VS.**

**ESROM STABAS**

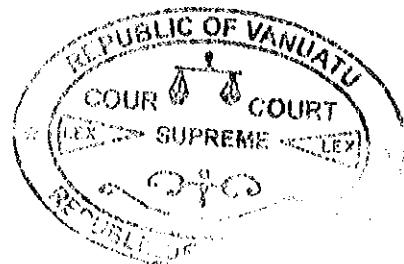
**Mr Justice Oliver Saksak  
Mrs Anita Vinabit – Clerk**

**Mr Alain F. Obed for Public Prosecutor  
Mr Chris Tavoia for the Defendant**

### **ORAL SENTENCE**

Esrom Stabas, you have committed a very serious offence for which Parliament saw fit to impose a maximum penalty of ten years imprisonment. What you did is prohibited under section 96(1)(b) of the Penal Code Act CAP. 135.

The girl who complained was not only 17 years of age at the time of offending, she was your niece, your brother's daughter. Her father died and entrusted her to your care and protection. However you abused that trust by abusing her. There was no need for you to do that as you are a married man with four children. You were double her age when the offending took place. You were 34 years old then. As a mature man you behaved selfishly by abusing your niece. And you did it three times.



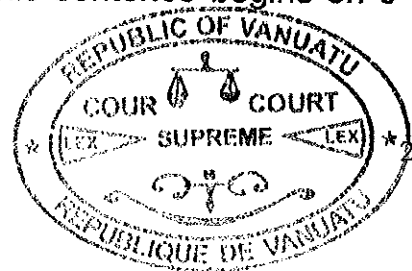
You let down the important responsibilities placed on you as Chairman of a primary school committee in your area. You were an aid post worker and your people looked to you as resource person. Your people had placed their confidence and trust in you but you let all that down by your behaviour.

I consider these factors as aggravating features adding to the seriousness of your case. This case warrants an immediate custodial sentence. The principle of sentencing in this type of offending is clearly laid down by the Court of Appeal in the Keven Gideon Case that:

*"Man who take advantage sexually of young people forfeit the right to remain in the community."*

I therefore impose a sentence of imprisonment to a period of 6 years. However I accept the mitigating factors put to the Court by Mr Tavoia. I reduce the 6 years sentence by 2 years as a credit for the custom reconciliation ceremonies performed by you to your wife and to the relatives of the victim. You have a balance of 4 years. However I further reduce that by 4 months as credit for your change of plea today and for being a first-time offender. You will therefore serve a balance of only 3 years and 8 months in detention.

You will be required to serve your period of detention at the Correction Centre in Luganville, Santo. This sentence begins on 5<sup>th</sup>



December 2005. A period of 12 days shall be deducted from the 3 years and 8 months being the period you had spent in custody.

I accept your explanation why you did not plead guilty in Luganville in the first place. There will therefore be no order for prosecution costs.

A Warrant of Commitment will be served forthwith.

**DATED at Sola this 5<sup>th</sup> day of December 2006.**

**BY THE COURT**

  
**OLIVER A. SAKSAK**

**Judge**

