

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

Criminal
Case No. 21/2686 SC/CRML

BETWEEN: Public Prosecutor

AND: William Ulas
Defendant

Date: 24 May 2022
By: Justice G.A. Andrée Wiltens
Counsel: Ms B. Ngwele for the Public Prosecutor
Mr L. Moli for the Defendant

Verdict

A. Introduction

1. This trial was heard today.

B. Charges

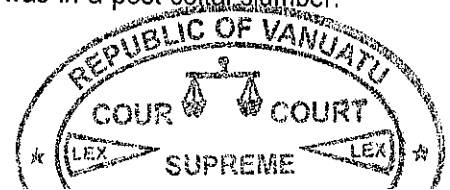
2. The prosecution alleged that Mr Ulas had offended by (i) abduction and (ii) sexual intercourse on 5 occasions where consent had been obtained by means of threat of intimidation.

C. Evidence

3. The complainant was 16 years at the time.

4. She gave evidence that she had met up with Mr Ulas by chance at 2pm on 16 August 2018. He then instructed her to forego catching her bus and follow him to his house as he had something to drop off. Thereafter he would accompany her to catch the bus. She duly accompanied him.

5. In fact, once at his house, the complainant was abducted and not able to leave until the morning of 19 August 2018, when she managed to escape while Mr Ulas was in a post-coital slumber.



She was detained in Mr Ulas' bedroom throughout that period, without access to a bathroom or toilet. She also alleged that she was given no food or water on 17 August, and indeed through until lunchtime the following day - a period of 48 hours from the time they had met up..

6. When the complainant's aunt came by on 18 August 2018 looking for the complainant, Mr Ulas put her under the mattress, and instructed her to keep quiet, on threat of being otherwise beaten/killed. In the meantime, Mr Ulas went out and lied to the aunt about the complainant not being there. The complainant gave evidence that she was too frightened to make her presence known.
7. Over the 3-day period of her abduction, Mr Ulas and the complainant had sexual intercourse on 3 occasions. The first occasion occurred at 7-8pm on 16 August 2018. She was unable to tell the Court what had occurred between 2pm and 7pm.
8. She maintained that she did not agree to sexual intercourse occurring. Her allegations were that she declined to have sexual intercourse as she was menstruating, but Mr Ulas did not accept her refusal and went ahead regardless. He forced her.
9. The complainant slept in the same bed as Mr Ulas that night. Although her sleep was fitful, she made no attempt to escape. They slept in the same bed again the following night, but the complainant was tired and slept soundly. Again, there was no attempt to escape.

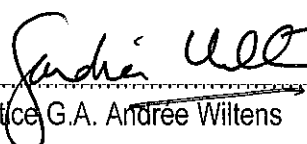
D. Assessment

10. The account given was thoroughly implausible. It was not improved by numerous inconsistencies and questions that went unanswered after long periods.
11. In the end result, I found the complainant's account to be incredible. Not only that, but her evidence did not support the particular charge of sexual intercourse where consent was obtained by threat of intimidation – and I noted that she had given evidence of 3 incidents, not 5 as was charged.
12. Her evidence was that she was forced to have sexual intercourse, but there was a complete lack of evidence of any threats.

E. Result

13. Following the evidence of the complainant, Ms Ngwele saw no utility in calling further evidence. I fully endorse that decision.
14. I accordingly acquitted Mr Ulas of both charges.

Dated at Port Vila this 24th day of May 2022
BY THE COURT


Justice G.A. Andrée Wiltens

