

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

Criminal Case No. 24/3812 SC/CRML

BETWEEN: PUBLIC PROSECUTOR
Port Vila

State

AND: Issic Woro Worla
Port Vila

Defendant

Date of plea: 4 June 2025
Date of Sentence: 13 August 2025
Before: Justice B. Kanas Joshua
Counsels: Ms Laura Lunabek, for the State
Ms Cecile Dehinavanua, for the defendant

SENTENCE

Introduction

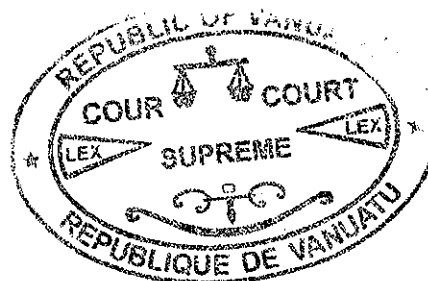
1. Mr Issic Woro Worla, you appear today for sentence having pleaded guilty to three counts of unlawful sexual intercourse. You had gone drinking with DG (“the complainant”) and after drinking, you took her to your parents’ house, where you live, and had sex with her on 3 consecutive days before she returned to her house. She was 14 years old at the time, and you were 23 years old.
2. The maximum sentence for the offence is 15 years of imprisonment.
3. You must be held responsible for your actions so others who also behave this way can see that this is against the law which has serious consequences, and stop their actions. This sentence should help you to rehabilitate, and must be generally consistent.
4. The sentence approach taken is in two steps, as in *Jimmy Philip v. Public Prosecutor*¹, which applied *Moses v. R*².

Step 1 – Starting point

5. The first step is to set a starting point. Reference is made to the aggravating and mitigating factors of the offending and the maximum penalty of the offence.
6. The aggravating factors here are:

¹ [2020] VUCA 40.

² [2020] NZCA 296.



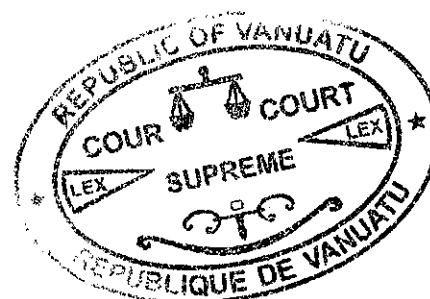
- a. The offending was premeditated and planned. It involved the emotional exploitation of a girl who was 14 years old;
 - b. The defendant was 23 years old when he committed the offence. There is an age difference of about 10 years.
 - c. The defendant is older and stronger than the victim.
 - d. The victim is exposed to sexually transmitted diseases, such as HIV and other STI's.
 - e. The defendant had sex with her for 3 consecutive days.
7. There are no mitigating factors of the offending.
 8. Prosecution submitted a starting point of 7 years imprisonment. The current case was compared to the case of *PP v. Tom Kleopa*³, where the Supreme court considered 5 years imprisonment to be an appropriate starting point. The defendant was charged with attempted unlawful sexual intercourse, which he pleaded guilty to. The defendant in the current case did not attempt to commit the offence, but committed it.
 9. Defence submitted that the offending fell within the lower mid-range of seriousness of the offence. Points raised to support this were that:
 - a) There was no violence, coercion, grooming, or threats;
 - b) There was no force or intimidation;
 - c) There was a degree of consensuality-in-fact between the parties (not in law);
 - d) There was no photographic or exploitative conduct;
 - e) There was no evidence of psychological trauma or ongoing harm; and
 - f) The victim has expressed continued emotional attachment and support for the defendant.
 10. Defence counsel submitted a starting point of 4 – 5 years imprisonment is appropriate for this offence. They referred to three cases as guidelines to a starting point. The first case is *PP v. Akipere*⁴, where the court adopted a starting point of 5 years imprisonment for the offense. The offending involved a consensual relationship between 2 young persons who are now partners and have a child together. The sentence was partially suspended, reflecting the non-predatory nature and continuing relationship. In *PP v. Rausiama*⁵, the court gave a starting point of 3 years 9 months imprisonment. Sexual intercourse was consensual and it involved a young person. Suspension of sentence was declined. In *Lawi v. PP*⁶, the court gave a starting point of 6 years was imposed. This involved grooming and an element of premeditated sexual exploitation, despite no physical force being used.
 11. I give a starting point of 5 years imprisonment. As in the case of *Akipere* the offending involved a consensual relationship between two young persons. To this, I give an uplift of 6 months for the aggravating factors to the offending, bringing the sentence to 5 ½ years imprisonment.

³ 23/733 SC/CRML.

⁴ [2025] VUSC 43.

⁵ [2021] VUSC 261.

⁶ [2023] VUCA 41.

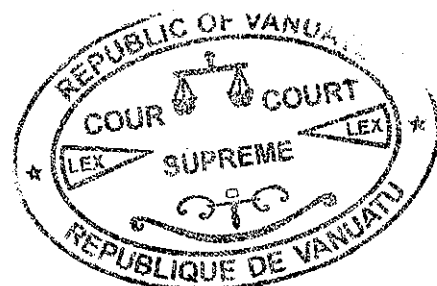


Step 2 – Personal factors

12. The second step is to make the appropriate deductions for personal factors. Reference is made to the aggravating and mitigating factors of the offending and the maximum penalty of the offence.
13. Prosecution submitted that an aggravating personal factor is the age of the defendant. He was 23 years old and should have known better. I give an uplift of 1 month, bringing the sentence to 5 years 7 months imprisonment.
14. Defence counsel submitted that 2 years should be deducted for the following mitigating factors,
- Guilty plea; the defendant pleaded guilty at the earliest opportunity, saving time and sparing the victim from testifying.
 - First time offender; there are no prior convictions.
 - Remorse; the Pre-Sentence Report records genuine remorse, with the defendant accepting responsibility for his actions.
 - Positive Pre-Sentence Report; the Probation officer recommends a non-custodial option supported by findings of low risk of re-offending, good social support, and a stable family environment.
 - Custom reconciliation; a custom reconciliation was performed and accepted by the victim's family.
 - Romantic relationship context; the defendant and victim were in a relationship that was mutual and known within the community. While it is against the law, the emotional relationship reduces the moral blameworthiness of the conduct.
 - Victim's continued support; the victim continues to express emotional support and affection for the defendant. She has not reported any trauma or distress, and supports his reintegration into the community.
15. Prosecution accepted that the defendant entered an early guilty plea and should be entitled to a reduction in the sentence. They referred to the case of *PP v. Gideon*⁷, where the court stated that "men who obtain sexual gratification at the expense of the weak and vulnerable and who take advantage sexually of young people forfeit the right to remain in the community". In addition, the case of *PP v. August*⁸ was also referred to. In that case, the court stated that "rape calls for an immediate custodial sentence".
16. In the current case, the court notes that the case of *Gideon* allows for some reduction to be made. For that, I give a reduction of 25% for the guilty plea. The defendant understood that what he did was wrong. The victim had had an argument with her mother that day regarding the relationship and she was clearly in an emotional situation when the incident occurred. This brings the sentence to 51 months 7 days imprisonment.

⁷ [2002] VUCA 7.

⁸ [2000] VUCA 29.



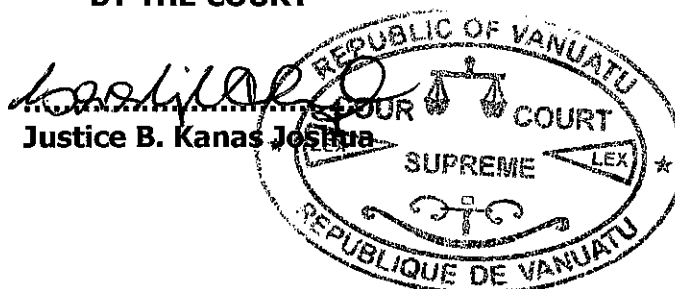
17. You are 23 years old, and a first time offender. You are the second child out of five, and your father describes you as quiet and you have carpentry skills to sustain a living. Your parents depend on you. You had a partner prior to this incident, and you have a child with her. You are separated from her and claim that you love the victim. The victim says she also loves you and you intend to live with her.
18. Given the above, a further reduction of 6 months is made for other mitigating factors. This brings the sentence to 45 months 7 days.
19. You were in remand for 6 months, which equates to an effective sentence of 12 months imprisonment. I deduct 12 months to the sentence, bringing it to 33 months 7 days.

End sentence

20. Mr Issic Woro Worla, you are sentenced to 33 months 7 days imprisonment. Simplified, this is 2 years 3 months 7 days.
21. As a 23-year-old man you are in your prime years. You understand that your behavior is wrong and you broke the law. You are mentally and physically fit and can contribute to your community in a positive way. Although you are a first-time offender, this offence is serious. Whether the sexual act was consensual, your actions broke the law. This is a serious offence, which even when the act is consensual no suspension was given⁹. As your sentence is less than 3 years imprisonment, I am suspending this sentence in part.
22. You must serve 1 year imprisonment of your sentence. The remaining part of your sentence is 1 year 3 months 7 days. This is suspended for 1 year. This means that you must not commit any offence in that 1 year period. If you do so, you will be arrested and the remaining part of your sentence will be activated, with the sentence of the new offence that you commit.
23. To assist with rehabilitation, I further order that you must attend an appropriate program offered by Probation services, to help you be accountable for your actions.
24. You have 14 days to appeal.

Dated at Port Vila on this 13th day of August, 2025

BY THE COURT



⁹ PP v. Rausiama [2021] VUSC 261.