

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

Criminal
Case No. 24/2152 SC/CRML

PUBLIC PROSECUTOR

v

DESMOND SELONA

Date: 3 September 2025
Before: Justice V.M. Trief
Counsel: Public Prosecutor – Ms J. Tete
Defendant – Mr C. Leo

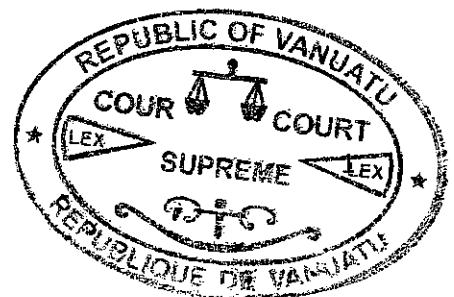
SENTENCE

A. Introduction

1. Mr Desmond Selona, you appear for sentence having pleaded guilty to 4 charges of unlawful sexual intercourse with a child under 13 years of age contrary to subs. 97(1) of the *Penal Code* [CAP. 135] (Charges 1, 2, 4 and 5) and one charge of unlawful sexual intercourse with a child under 15 years of age but of or over the age of 13 years contrary to subs. 97(2) of the *Penal Code* (Charge 3). You were convicted on your own pleas and the admitted facts.

B. Facts

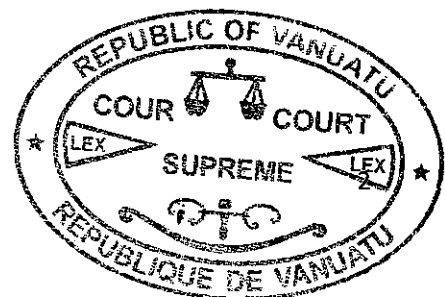
2. There are 2 complainants EL and EM (names suppressed).
3. You are the complainants' uncle. You started to abuse them when they were both about the age of 7 till they turned 13 years old. You sexually abused them at different times and locations when they were isolated from the rest of the family. Each time after you sexually abused them, you gave them money to buy their silence.



4. In 2017, EL was about 8 or 9 years old and was in class one of primary school. You made her sleep on the floor, and used your finger to penetrate her vagina. EL felt pain when you pushed your finger into her. This was the first time that you sexually abused EL (Charge 1).
5. You continued to sexually abuse EL in subsequent years.
6. In 2022, EL was about 11 years old and was in class five of primary school. It was day time and EL had been left alone at home. You took her into the house, into the children's room, made her lie on the bed, undressed her and used your penis to penetrate her vagina. You had sexual intercourse with EL until you ejaculated. After that, you told her not to tell anyone what had happened (Charge 2).
7. In May 2024, EL was about 13 years old and in year 7 at secondary school. It was during the May school holidays. You used your penis to penetrate her vagina (Charge 3).
8. In May 2023, EM was 12 years old and in year 7 at Lini Memorial School secondary school. She was alone in the house as everybody had left. She was in the girls' room and suddenly you entered the room. You went straight to EM, caressing her body, made her lie on the floor and used your finger to penetrate her vagina (Charge 4).
9. After digitally penetrating EM's vagina, you undressed her and then yourself, and used your penis to penetrate her vagina. After you ejaculated, you gave her VT200 to buy her silence (Charge 5).
10. You admitted your offending under caution.

C. Sentence Start Point

11. The sentence start point is assessed having regard to the maximum sentences available, and the mitigating and aggravating factors of the offending.
12. The maximum sentences prescribed in the *Penal Code* are:
 - a) Unlawful sexual intercourse with a child under 13 years of age – life imprisonment (subs. 97(1)); and
 - b) Unlawful sexual intercourse with a child under 15 years of age but of or over the age of 13 years of age – 15 years imprisonment (subs. 97(2)).
13. There are no mitigating aspects to the offending however, it is aggravated by the following:
 - a) There were two victims;



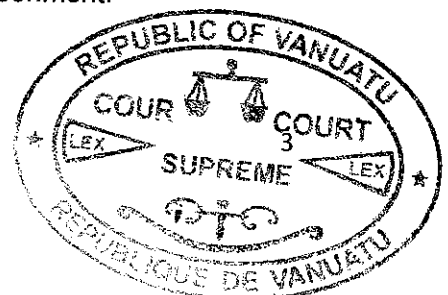
- b) Serious breach of trust;
 - c) 56-year age differential;
 - d) The offending occurred at home where the complainant should have been able to feel safe and secure;
 - e) There was some degree of planning. The offending occurred when the victims were alone;
 - f) Repeated offending;
 - g) The defendant exposed the victims to the risk of sexually transmitted infection and pregnancy; and
 - h) The psychological effect on the victims including their loss of innocence and dignity.
14. Taking these matters into account, I adopt a global sentence start point of 9 years imprisonment.

D. Personal Factors

15. You pleaded guilty after your appeal against the Magistrates' Court decision as to preliminary enquiry. Accordingly, I deduct 20% (21 months) for your guilty plea.
16. You are 71 years old. You have no prior convictions although that is of little relevance to mitigate a sentence in the case of sexual offending. Your pre-sentence report writer and yourself by sworn statement deposed that you have compensated EL and EM by giving each of them a *livoala* (Raga language meaning a male pig with circular tusks), five traditional Pentecost red mats, a young pig without a tusk and VT100,000. I take into account this compensation to each victim.
17. For your personal factors, I reduce the sentence start point by a further 25% (27 months).


E. End Sentence

18. Taking all matters into account, the end sentences imposed concurrently are:
- a) Unlawful sexual intercourse with a child under 13 years of age (Charges 1, 2, 4 and 5) 5 years imprisonment; and
 - b) Unlawful sexual intercourse with a child under 15 years of age but of or over the age of 13 years of age (Charge 3) 4 years 10 months imprisonment.



19. The end sentences are back-dated to commence on 19 August 2025 to take into account the time that you have already served in custody (1 July 2024-16 July 2024) therefore preserving your parole rights.
20. Mr Leo submitted that community work is the appropriate penalty for your offending. I disagree. Community work would be wholly inadequate given your serious and repeated sexual offending against two children.
21. These end sentences reflect the need to denounce this criminal conduct against young girls and against the values of society, as a general and specific deterrence and to hold you accountable for your criminal conduct.
22. I now consider whether or not to suspend the sentences. Mr Leo submitted that you are not physically well and require surgery for hernia. This assertion was not supported by the doctor's medical report attached to the supplementary submissions which only noted that the doctor had recommended that you see a surgeon for his opinion on a possible surgery for the hernia. You are in good health otherwise according to the doctor's report. In any event, medical treatment is available for detainees therefore weighing your circumstances against the nature and the seriousness of the offending, I decline to suspend your sentences of imprisonment. There are no exceptional circumstances warranting suspension. An immediate custodial sentence must be imposed for this serious and repeated sexual offending against children: *Public Prosecutor v Gideon* [2002] VUCA 7, *Public Prosecutor v Scott* [2002] VUCA 29 and *Public Prosecutor v August* [2000] VUSC 73. You are to begin serving your sentences of imprisonment today.
23. All details leading to the identification of the complainants are permanently suppressed.
24. You have 14 days to appeal the sentence.

**DATED at Lakatoro, Malekula this 3rd day of September, 2025
BY THE COURT**


Justice Viran Molisa Trief

