

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

Criminal  
Case No. 25/2314 SC/CRML

PUBLIC PROSECUTOR  
v  
POLIKA (POLYCARPE) VIRATIRO

Date: 24 March 2026  
Before: Justice V.M. Trief  
Counsel: Public Prosecutor – Mr T. Karae  
Defendant – Mr E. Molbaleh

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**SENTENCE**

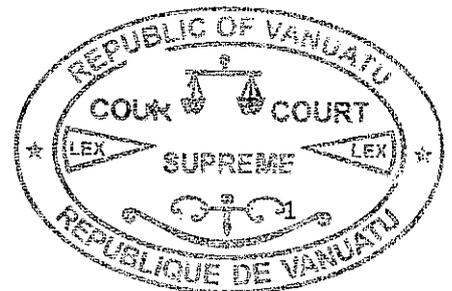
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A. Introduction

1. Mr Polika Viratiro, also known as Polycarpe Viratiro, you appear for sentence having pleaded guilty to one charge of unlawful sexual intercourse with a child under 13 years of age contrary to subs. 97(1) of the *Penal Code* [CAP. 135] (Count 1), two charges 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* (Counts 2 and 3) and one charge of possession of child pornography contrary to para. 7(2)(e) of the *Cybercrime Act* No. 22 of 2021 (Count 5). You are convicted on your own pleas and the admitted facts.

B. Facts

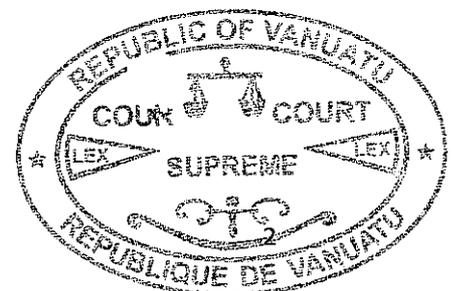
2. You and the complainant TC (name suppressed) both reside at Freshwater 5 area in Port Vila.



3. In September 2024, TC was 12 years old. She and her cousins were playing outside when you called her to get something in the kitchen. She did what you asked and went into the house to the kitchen. She heard footsteps approaching her from behind. She turned and saw you approaching. You kissed her on the neck and then told her to accompany you to your parents' room.
4. In the bedroom, you removed TC's lavalava and told her to remove her pants. Then you made her bend over on the bed and you had sexual intercourse with her by inserting your penis into her vagina. She felt you penetrating her vagina with your penis.
5. During the sexual intercourse, you used your phone to take a short video clip of the sexual act. When you finished the sexual intercourse, you told TC to wear her clothes and you showed her the video clip (Counts 1 and 5).
6. In November 2024, TC was 13 years old. She followed you to a small house next to a shop near your house. In the small house, you removed her clothes and had sexual intercourse with her by penile penetration (Count 2).
7. In 2025, you had sexual intercourse with TC on another occasion in the month of May (Count 3).
8. You admitted your offending under caution.

C. Sentence Start Point

9. The sentence start point is assessed having regard to the maximum sentences available, and the mitigating and aggravating factors of the offending.
10. The maximum sentences provided in the law are:
  - a) Unlawful sexual intercourse with a child under 13 years of age – life imprisonment (subs. 97(1), *Penal Code*);
  - 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), *Penal Code*); and
  - c) Possession of child pornography in a computer system or on an electronic storage medium – 10 years imprisonment or VT5,000,000 fine or both (para. 7(2)(e), *Cybercrime Act*).



11. There are no mitigating aspects to the offending however, it is aggravated by the following:
- a) The 9-year age differential between you and the complainant;
  - b) The offending occurred over a 9-month period;
  - c) The repeated nature of the offending;
  - d) The offending was pre-meditated; and
  - e) The psychological effect on the complainant including her loss of innocence and dignity.

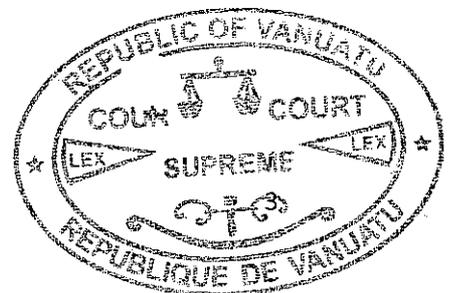
12. Taking these matters into account, I adopt a global sentence start point of 8 years imprisonment.

D. Personal Factors

13. You pleaded guilty at the first reasonable opportunity. Accordingly, I deduct one third (32 months) for your early guilty pleas.
14. You are 23 years old. You are in a *de facto* relationship and have a 2 month old daughter. You have no prior convictions although that is of little relevance to mitigate a sentence in the case of sexual offending. You cooperated with the Police. You are stated to be remorseful. Your father has made several attempts to initiate a custom reconciliation ceremony with the complainant's family but this has been refused.
15. For your personal factors including your youth, I reduce the sentence start point by a further 12% (11 and a half months).

E. End Sentence

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



- c) Possession of child pornography in a computer system or on an electronic storage medium (Count 5) 12 months imprisonment.
17. The end sentences are back-dated to commence on 29 July 2025 when you were remanded in custody.
18. The sentences are imposed to 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.
19. The Court has a discretion under s. 57 of the *Penal Code* to suspend all or part of the sentence where it is not appropriate to make an offender suffer immediate imprisonment "... (i) in view of the circumstances; and (ii) in particular the nature of the crime; and (iii) the character of the offender."
20. This was serious and repeated sexual offending against a child. Although you are young, there are no exceptional circumstances warranting suspension. An immediate custodial sentence must be imposed: *Public Prosecutor v Gideon* [2002] VUCA 7.
21. All details leading to the identification of the complainant are permanently suppressed.
22. You have 14 days to appeal the sentence.

DATED at Port Vila this 24<sup>th</sup> day of March, 2026  
BY THE COURT

  
Justice Viran Molisa Trief

