

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

Case No. 25/849 CRML

PUBLIC PROSECUTOR

V

CLIFTON ISMAEL

Date of Plea & Sentence: 29<sup>th</sup> April, 2025

In Attendance: Mr. Asang S  
Defendant.

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SENTENCE

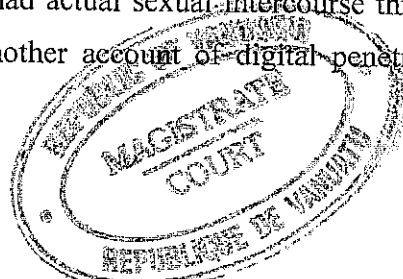
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**Background/Introduction**

1. The defendant is charged with an amended charge containing one count of domestic violence in contrary to section 4(1) (c) & 10 of the Family Protection Act No. 8 of 2008.
2. He pled 'yes i tru' to the charge against him and this is recorded as his guilty plea.

**Facts**

3. The brief facts to the offending are that between the months of February and July 2024 the defendant had asked the victim who is related to him as his 'tawi' (sister-in-law) on two separate occasions, to touch her vagina, from which she refused both times. The defendant did not stop here, but started giving the victim some gifts as a way to seduce her into agreeing to his sexual requests, and on the third occasion, in the month of December, 2024, the defendant had actual sexual intercourse through digital penetration of the victim's vagina. Another account of digital penetration



occurred on the month of January, 2025, from which it led to an affair that was spotted and got reported.

4. The defendant was taken in for questioning and admitted the alleged sexual abuses against the victim.

5. And as to the facts presented by prosecution, the defendant also accepted as true, and along with his guilty plea, I convict him of the charge.

#### **Sentencing Consideration**

6. The maximum penalty for the offence of domestic violence is an imprisonment term of 5 years, or a fine of VT 100,000 or both fine and prison term. Such penalty imposed by the law makers of this country reflect the seriousness of his wrong doing and that is explained to the defendant.

7. The accepted aggravating factors to his offending are that:

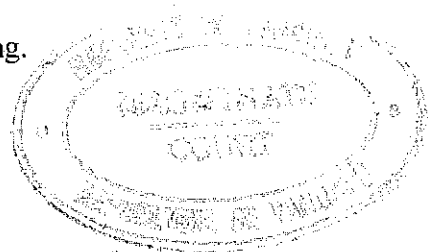
1) The defendant's offending has resulted in a breach of trust between himself and the victim, and his family, including his partner, a breach that will need time to mend given the serious nature of the offending.

2) The offending was repetitive, and unless it was not spotted out by others, the defendant would have continued with his offending, reflecting on its seriousness.

3) The victim is a student, and was vulnerable to the defendant's sexual abuse towards her. This means that he had taken advantage of her vulnerability by carrying out the offending upon her.

4) The defendant's unlawful act of sexual abuse is not accepted by the community at large.

8. There are no mitigating factors to the offending.



9. I take note of the defendant's guilty plea taken at the earliest available opportunity, and his clean record, as well as the relevant personal mitigating factors, in particular the on-going relationship with his existing partner today, and the fact that he has performed a custom reconciliation to the victim's family, and his own family members. He has also apologised in court, showing his genuine realization of his unlawful actions and him being remorseful for his wrong doings.

10. I also consider the sentencing submission on part of the state, however given the relevant factors, and circumstances of defendant, I see appropriate not to send the defendant to an immediate prison term, however that does not mean he is not to be punished.

11. This court continues to give out the same message in respect to any form of domestic violence action in a family relationship, and the current case is no different. What the defendant did goes against the community values and principles of respect and harmonious relationship, therefore he must be punished for his wrong doing.

#### **End Sentence**

12. And given the relevant consideration, I sentence the defendant to a sentence of Community work of 100 hours for the one count of domestic violence against him.

13. That he is also ordered to pay a prosecution cost of VT2000.

14. And that he is further Ordered to remain of good behaviour towards his de factor partner and daughter, and to the rest of the community members around him, and also to restrain himself from any possible reoffending, which might give rise to a stricter sentence imposed upon him if he does so reoffend in the future.

#### **Reason for Sentence**




15. His sentence is explained to him as punishment for his wrong actions, as well as to deter him and likeminded offenders from committing similar offences, and especially when it comes to domestic violence, that this court will not condone such violence in family relationship.

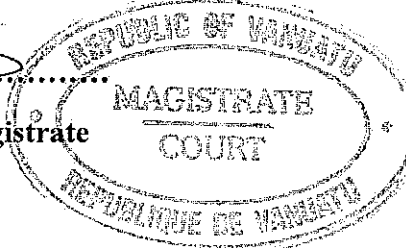
16. His sentence is also necessary allow him a chance to rehabilitate from his unlawful acts.

17. The defendant is informed of his rights to appeal within 14 days from date of this sentence.

**DATED at Port Vila, this 29<sup>th</sup> April, 2025.**

**BY THE COURT**

  
.....  
**Senior Magistrate**

  
The stamp is an oval shape with the text "REPUBLIC OF VANUATU" at the top and "REPUBLIQUE DE VANUATU" at the bottom. In the center, it reads "MAGISTRATE COURT".