

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

**Criminal**  
**Case No. 21/3121 SC/CRML**

**BETWEEN: Public Prosecutor**

**AND: Alex Lengkon**  
**Defendant**

*Date of Sentence:* 11 February 2022  
*Before:* Justice G.A. Andrée Wiltens  
*In Attendance:* Ms B. Ngwele for the Public Prosecutor  
Mr J. Garaeu for the Defendant

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**SENTENCE**

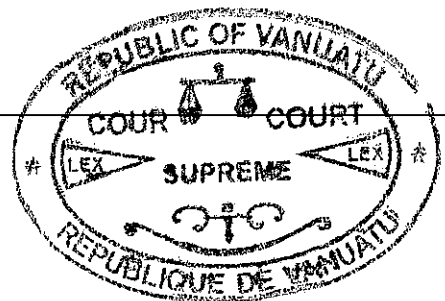
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**A. Introduction**

1. Alex Lengkon pleaded guilty to unlawful sexual intercourse with a child aged between 13 and 15 years.

**B. Facts**

2. On 26 November 2020, at around 7pm, IS was walking to her home at VMF camp. She was then 14 years old. On the way she met Alex Lengkon, aged 24 years, whom she knew. He asked her to follow him to Melcoffee, which she did. On arrival there he asked IS for sex. She refused.



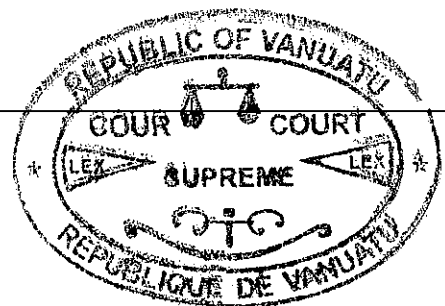
3. However, Alex Lengkon did not take no for an answer, pushed IS down to the ground and had sexual intercourse with her. It was very painful for IS and she was bleeding afterwards. Alex Lengkon saw that IS was upset and crying, and he apologised before walking her home.
4. The next day, IS told her mother what had occurred. She was taken for a medical check-up, which revealed a bite mark to her neck, a laceration on the hymen and an abrasion on the vaginal introitus.
5. When the police interviewed Alex Lengkon, he admitted having sexual intercourse with IS; but he suggested it was consensual as they were in a relationship.

**C. Sentence Start Point**

6. The sentence start point is to be assessed by having regard to the maximum penalty available for the offending and factoring in the aggravating and mitigating aspects of the offending.
7. The maximum penalty for unlawful sexual intercourse is 15 years imprisonment.
8. The offending is aggravated by the age differential between them, the fact that IS received injuries as a result of her abuse, and the fact that Alex Lengkon was known to IS and she should have been able to feel safe in his company. The lack of protection used also exposed IS to pregnancy and sexually transmitted disease. The offending is mitigated by the immediate apology and his walking her back to her home.
9. I adopt a sentence start point of 4 years 6 months imprisonment.

**D. Mitigation**

10. Alex Lengkon pleaded guilty at the earliest available opportunity. That indicates that he is remorseful and it spared IS the need to give evidence. For his prompt plea, the sentence start point is reduced by one third.



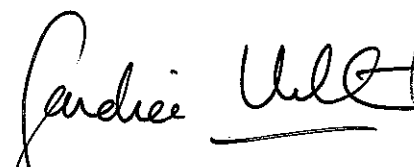
11. Alex Lengkon is 24 years old, single and resides with his family at Anamburu area, Port Vila. He has some qualifications as an electrician, but runs a kava bar. Both parents are RSE workers, and Alex Lengkon looks after his siblings.
12. He has no previous convictions. He is remorseful and has taken part in a custom reconciliation ceremony with IS and her family, and his gifts of a pig, kasava, bananas, mats and cash as well as his apology were accepted. However, the remorse aspect is tempered by the fact of Mr Lengkon's subsequent absconding from his scheduled sentencing date of 1 December 2021, without good reason.
13. For his personal factors, I further reduce the sentence start point by 4 months.

**E. End Sentence**

14. Mr Alex Lengkon's end sentence is 2 years 8 months imprisonment. He has already served 27 days in custody prior to being granted bail. To preserve his parole rights his sentence will commence as from 16 January 2022.
15. It would be wrong to suspend any or all of the sentence: *PP v Scott* [2002] VUCA 29; *PP v Gideon* [2002] VUCA 7.
16. Alex Lengkon has 14 days to appeal the sentence.
17. All details leading to the identification of IS are permanently suppressed.

DATED at Port Vila this 11th day of February 2022

BY THE COURT

  
Justice G.A Andrée Wiltens

