

(Criminal Jurisdiction)

PUBLIC PROSECUTOR

VS.

**KENNEDY BULE
TABI ERICK**

**Mr Justice Oliver A. Saksak
Mrs Anita Vinabit – Clerk**

**Mr P. Wirrick for Public Prosecutor
Miss J. Tari for the Defendants**

SENTENCE

1. Both defendants are charged with offendings under Sections 89 A and 91. These are very serious because it carries a life time imprisonment.
2. Facts reveal the circumstances surrounding the offending as serious. This was committed by 2 men who had planned to attack her. Threats were used although no weapon as such was use. The victim is a foreigner not here merely as a tourist, but as a volunteer worker rendering very valuable services to the community. The community and the defendants have a responsibility to care for and protect such persons. The community and the defendants stand in a position of trust to her. Instead the community and the defendants breached that trust towards her.
3. The sentencing principles this Court must follow are clearly laid down in PP v. Scott [2002]. The case of PP v. Ethric Obed [2004] is also of



assistance although facts slightly vary. The Court will adopt those sentencing principles.

4. For this case the only appropriate penalty to be imposed will be immediate custodial sentences.
5. For Erick Tabi, it is clear you played a major part in this and your culpability should be slightly higher. The starting point for you is 10 years imprisonment.
6. From 10 years there will be a reduction of 1/3 for custom reconciliation bringing it down to 6 years 5 months. 5 months are further deducted for being a first time offender and for good cooperation with police, leaving the total of 6 years imprisonment.
7. For Kennedy Bule, you are equally culpable as Erick Tabi except your part is some what lesser. Therefore you are sentenced to 9 years imprisonment as the starting point. 3 years are deducted from 9 years leaving the balance of 6 years imprisonment. A further 5 months are deducted for being a first-time offender and for your good cooperation with the police bringing your term down to 5 years and 7 months imprisonment.
8. In summary, Erick Tabi is sentenced to 6 years imprisonment and Kenedy Bule to 5 years and 7 months imprisonment. You will both serve your sentences at the Correctional Centre in Luganville. Your sentences began yesterday 1st September 2011.
9. Both of you will pay prosecution costs in the sum fixed at VT98.500.



10. There will be a Compensation Order of VT600.000 minus VT42.000. The balance of VT558.000 shall be paid from the proceeds of sale from your kava gardens. These will be harvested by your relatives back in the village while you are serving your terms of imprisonment. The first payment of VT200.000 must be made by Monday 31st October 2011. Of this amount the sum of VT98.500 will go to the prosecution as costs and the balance of VT101.500 to be paid into Court as Compensation to be held in trust for the victim.
11. Thereafter, payments of VT200.000 at the end of every 2 months until the balance of VT558.000 are paid off in full. The prosecution will monitor all payments and ensure these orders are complied with.
12. That is the Sentence of the Court. You have a right of appeal within 14 days if you so choose.

DATED at Waterfall village this 2nd day of September 2011.

BY THE COURT


OLIVER A. SAKSAK

Judge

