

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

Criminal Case No.127 of 2011

**PUBLIC PROSECUTOR**

**-V-**

**PASCAL AROB**

**Coram:** Justice D. V. Fatiaki

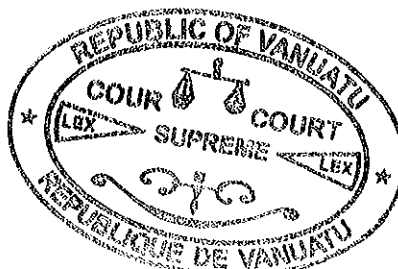
**Counsel:** Mrs. T. Harrison  
Mr. A. Bal

**Date of Sentence:** 10 November 2011

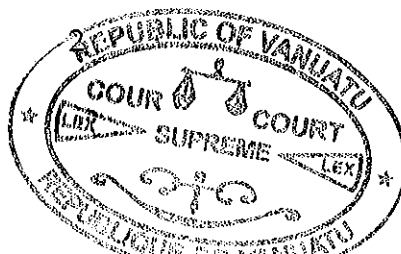
**SENTENCE**

1. On **4 October 2011** the defendant was arraigned on an Information charging him with **Possession of Cannabis Plant** contrary to **Section 2** of the **Dangerous Drugs Act [CAP. 12]**. The defendant pleaded guilty ("*hemi true*") and after admitting the facts outlined by the prosecutor, he was convicted and a pre-sentence report was ordered.
2. The brief facts of the case are that the defendant was amongst a group of people on board a boat carrying a team of police officers and other passengers from **Melip** to **Tomanu** Island to attend an awareness meeting on marijuana. During the course of the voyage the defendant went to the front of the boat, lit a roll of marijuana and proceeded to openly smoke it in front of the police officers.
3. Later, at the awareness meeting, the defendant also spoke and behaved aggressively towards the police officers conducting the meeting. In particular the defendant was heard to say to **Corporal Toas Thierry**: "*Police yu save talem se who i createm ol samting ia long world ia?*" and when the police answered: "*God*", the defendant shouted back: "*From wanem yufala i talk againsem?*" and the defendant became increasingly unruly and threatening towards the police saying:

*"Yu no save se area blong Toman village kasem Melip village South West Malekula hemi place blong marijuana. Spos yu wantem talk againsem yu go samples. Hemia i no place blong yu ia stupid. You out long place ia spos no bae mi mekem wan samting naoia".*



4. The pre-sentence report records the following personal characteristics of the defendant:
- He is 24 years of age, single and originally from **Batpank village**, Melip Island;
  - He attended **Melworbong Primary School** and left due to financial difficulties;
  - He makes a living selling food crops and marijuana;
  - He is a regular user of marijuana and in 2006 he served a sentence of 4 years imprisonment for an offence of **Cultivating Cannabis**;
5. The defendant is also reported to have told the probation officer preparing his pre-sentence report that he considers marijuana/cannabis as "*food created by God*". Furthermore he does **not** consider it to be a dangerous substance and that there is nothing wrong with cannabis. He only fears God's law and not man-made laws which includes the Constitution.
6. The probation officer concludes in the report that the defendant has "*no real insight into the seriousness of his offending*" or of the potentially dangerous effects of long-term use of cannabis. Significantly, the defendant told the probation officer that "*he has no goals in life*" and "*prison life is good*". If I may say so that is an extremely unfortunate situation for a 24 year old man to find himself in i.e. goalless and happy with prison life.
7. The fact that you have already served a lengthy prison term for cultivating marijuana indicates that you have **not** learnt anything from your time in prison. Furthermore the fact that you do **not** consider cannabis to be in any way dangerous but instead as "*food created by God*" suggests that you are unable or unwilling to turn away from using cannabis or to change your attitude towards it.
8. The fact that you openly committed the offence in the presence and sight of police officers and later used threatening language towards them, exhibits a degree of daring and aggression on your part which clearly aggravates what might otherwise be considered a fairly minor incident.
9. The evidence is that you smoked the only physical evidence in the case and no cannabis was either seized or found on you and accordingly no quantity or weight of cannabis is recorded as being in your possession. Nevertheless **Possession of Cannabis** is an offence of which the law passed by Parliament, provides a maximum penalty of 20 years imprisonment. Whatever you might think of the law it is the duty of everyone in this country to respect and obey it as long as it exists.



10. In my view the only appropriate sentence in your case is one of immediate imprisonment which also means for you a denial of access to cannabis or marijuana.
11. In all the circumstances, the defendant is sentenced to eighteen (18) months imprisonment. I reduce the sentence by 6 months in recognition of your guilty plea and further reduce it by the time that you have been remanded in custody since 12 September 2011 (ie. 2 months) making a final operative sentence of **10 months imprisonment**.
12. You have 14 days to appeal to the Court of Appeal against this sentence if you do not agree with it.

DATED at Port Vila, this 10<sup>th</sup> day of November, 2011.

BY THE COURT

  
D. V. FATIAKI  
Judge.

