

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

Criminal  
Case No. 20/535 SC/CRML

**BETWEEN:** Public Prosecutor

**AND:** Reman Tari  
John Dickson Tari  
Jerry Tahu  
Defendants

Date: 12 March 2020  
By: Justice G.A. Andrée Wiltens  
Counsel: Mr D. Boe for the Public Prosecutor  
Mr R. Willie for the Defendants

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**SENTENCE**

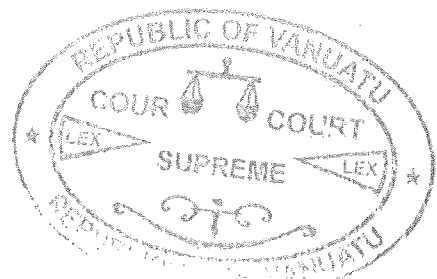
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A. Introduction

1. All three defendants pleaded guilty to joint charges of intentional assault and unlawful assembly. The maximum sentences for those offences are terms of 5 and 3 years imprisonment, respectively.

B. Facts

2. The background to this matter is a land dispute.
3. On 30 December 2019 the defendants' Chief advised there was soon to be a reconciliatory meeting with the complainant to try and resolve the differences within the community. This caused the defendants to gather together, all having consumed quite some alcohol, and agree a plan of action to confront the complainant.



4. The defendants subsequently went to the complainant's yard and assaulted him - the Summary of Facts does not relate in what way. Accordingly, I assume they used their bare hands to strike at the complainant – his injuries support that view. As well, the defendants threatened to burn down the complainant's house.
5. The medical findings reflect the relatively minor nature of the assault, with swelling and bruising at the complainant's left eye, his right temporal lobe and his right rib cage.

C. Aggravating/Mitigating Factors to the Offending

6. The aggravating factors to the offending are that this was quite deliberate conduct by a group of 3 against one, and done with a view to taking the law into their own hands.
7. There are no mitigating factors to the offending.
8. The start point that I adopt as appropriate for this offending, is a short period of imprisonment.

D. Personal Factors


9. While the personal situation of each defendant is slightly different, for example the age range is 55 to 23, there are a number of similarities. Each is married with at least one child to maintain. All have no previous convictions, and all pleaded guilty at the earliest opportunity. All further express their remorse and all have expressed a willingness to undertake a custom reconciliation ceremony, but the complainant's family has resisted that.

E. Sentence

10. Given the relatively minor criminal culpability involved in this incident, I consider there is no need to impose a sentence of imprisonment. That would be too severe in the circumstances. I consider it sufficient for the defendants to repay their community for their wrong-doing by each completing 100 hours of community work.
11. Further, each defendant is to make good their wrong-doing towards the complainant by paying compensation to him of VT 25,000. That is to be paid within 14 days.
12. Each defendant has 14 days in which to appeal this sentence if he does agree with it.

**DATED at Luganville this 12th day of March 2020**

**BY THE COURT**

  
Justice G.A. Andrée Wiltens

