

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

**Criminal  
Case No. 21/2669 SC/CRML**

**BETWEEN: Public Prosecutor**

**AND: Dally Urebulu**  
*Defendant*

*Date:* 17<sup>th</sup> September 2021  
*By:* Justice G.A. Andrée Wiltens  
*Counsel:* Mr D. Boe for the Public Prosecutor  
Mr R. Willie for the Defendant

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**SENTENCE**

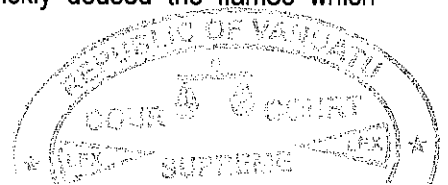
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A. Introduction

1. Mr Urebulu pleaded guilty to:
  - act of indecency without consent
  - attempt to commit arson
  - intentional assault
  - threats to kill

B. Facts

2. Mr Urebulu resides in Loltong village, North Pentecost Island. So does AV, the complainant.
3. On 7 June 2021, AV was at home with her mother. AV was 16 years old at that time. Mr Urebulu entered their kitchen, grabbed AV and touched her breasts. AV cried and tried to escape, but Mr Urebulu held her tightly. AV's mother told Mr Urebulu to release AV, but he did not until she called out to her husband. Once Mr Urebulu had released AV, he ran away.
4. On 15 June 2021, Mr Bulokuko was at home when he heard what sounded like bamboo exploding. On investigating he found Mr Urebulu setting fire to the thatched roof of the nakamal at Lovatu. Mr Urebulu saw Mr Bulekoko arrived and he quickly doused the flames which

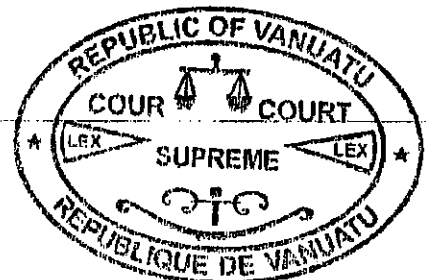


stopped the bamboo exploding. The nakamal is usually used for custom ceremonies and cooking.

5. On 24 June 2021 Chief Luke Voha was resting at the beach at Loltong when he heard someone calling out from behind him. He turned and saw Mr Urebulu approaching. Without warning Mr Urebulu struck Chief Voha in the face and kicked him. Chief Voha became dizzy and out of breath.
6. When Chief Voha had recovered somewhat, he heard Mr Urebulu say to him that he had the right to plant and smoke marijuana. He accused Chief Voha of prostituting himself to the police. He then said "Don't talk about the law anymore and poor attitudes. Otherwise I will kill you, your wife and your children."
7. Chief Voha had bruises to his cheek and the back of his head, swelling of the cheek bone and pain in his left ear following the assault.
8. When interviewed by the police, Mr Urebulu admitted touching AV's breasts against her will, setting fire to the nakamal due to Mr Bulekoko talking too much about land, and assaulting and threatening Chief Voha. He said he had kicked the back of Chief Voha's head, and that he had threatened to kill him, his wife and their children if the Chief again talked about the laws regarding marijuana.
9. The police took photos of the damage to the nakamal, which appears to be minimal.

C. Sentence Start Point

10. The sentence start point is to be assessed by having regards to the maximum sentence available and factoring in the aggravating and mitigating aspects of the offending.
11. The maximum sentence for the offending are as follows:
  - act of indecency without consent: 7 years imprisonment
  - attempt to commit arson: 10 years imprisonment
  - intentional assault: 5 years imprisonment
  - threats to kill: 15 years imprisonment
12. There are no mitigating aspects to the offending. The aggravating aspect is the number of criminal acts done within such a short space of time – 4 different offences in less 3 weeks.
13. On a global basis, taking all the offending into account, I set Mr Urebulu's sentence start point at 2 years 6 months imprisonment. I do so largely due to the fact that each offence, by itself, is at low level of criminal culpability and reflects Mr Urebulu's annoying, and unruly behaviour rather than serious criminal offending.



D. Personal factors

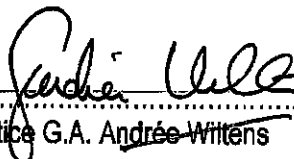
14. Mr Urebulu pleaded guilty to the offences at the earliest available opportunity. He has thereby acknowledged his wrong-doing and spared Court time and expense. For his prompt pleas I reduce the sentence start point by 25%.
15. Mr Urebulu is now 21 years old, single and dependent on gardening for his income.
16. He has no previous convictions.
17. Mr Urebulu has made peace with the second complainant, Mr Bulekoko's father, the owner of the nakamal. He explained that he had offered 3 mats to Chief Voha, but that apology was not accepted. He has not offered an apology to AV as he considers what he did was fun and nothing serious. In that regard, he is in error. No male should feel free to act towards a young a woman in that fashion.
18. For his personal factors I reduce the global sentence start point by a further 10 months, largely to take into account Mr Urebulu's youth and obvious immaturity.

E. End Sentence

19. The end sentence I impose is 12 months imprisonment. That is imposed on all 4 charges concurrently.
20. I consider the entire sentence should be suspended for 3 years. The purpose behind that is to hold the sentence over Mr Urebulu so that he realises he cannot behave in such manner again. The sentence is designed to allow Mr Urebulu to grow up and be more responsible. It will also allow him a better opportunity to rehabilitate himself. He must stay offence-free for the next 3 years in order to not serve this current sentence.
21. By way of assisting his rehabilitation into his community he is additionally ordered to serve 150 hours community work, and he is to be supervised for a period of 12 months. In that time he is to comply with all Probation officer instructions in relation to programmes he is to undertake and satisfactorily complete.
22. All details leading to the identification of AV are permanently suppressed.
23. Mr Urebulu has 14 days to appeal.

Dated at Luganville, this 17<sup>th</sup> day of September 2024

BY THE COURT

  
Justice G.A. Andrée-Witens

