

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

Criminal
Case No. 22/1940 SC/CRML

BETWEEN: Public Prosecutor

AND: Soana Jujuala, Namania Voyasusus, Jean Jiar
Apuvoki, Kiaso Apuvoki, Job Lui, Bai Voyasusu and
Taerono Voysusu

Accuseds

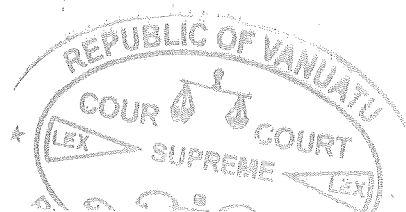
Date of Sentence: 24th September 2022

Before: Justice EP Goldsbrough

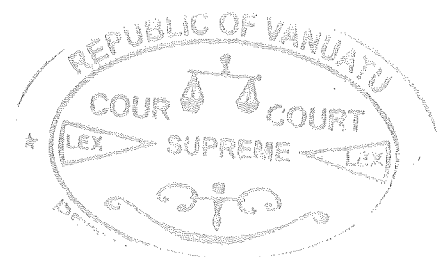
Appearances: Denson, Boe for Public Prosecutor
Vohor, J for the Accused

SENTENCE

1. Each of these seven offenders have pleaded guilty to three offences of unlawful assembly and two offences of damage to property. One amongst them (Soana Jujuala) has also pleaded guilty to arson. The offences were all committed against one man who was family with all these men.
2. On 18 January 2022, all seven of these men got together at Lolaolo Village, Southwest Santo intending to damage his property. On 24 January 2022 they returned, and it was on that occasion that Soana Jujuala burnt down his house with the others standing guard whilst this was done.
3. On 2 May 2022, the same men assembled again led this time by Chief Bai Voyasusu intending to cause damage to the victim's property. They damaged crops such as palm trees, bananas, pineapple, manioc, coconut, spring onions and beans.
4. On 5 May 2022, they damaged bamboo, corn, cabbage, Fijian taro and nut trees.



5. The maximum penalty for unlawful assembly is 3 years, damage 1 year and arson 10 years. Those maximum penalties assist the court in deciding where the sentencing process should start, also considering aggravating features.
6. Making these offences worse is the impact that a group of men would have on the victim, and the fact that they decided to resolve a dispute with violence and intimidation rather than by peaceful negotiation. They behaved as bullies.
7. For the unlawful assembly a starting point of one year in prison is set, for the damage the same and for setting fire to the dwelling house a starting point of 2 years.
8. As for mitigation, credit is due for the immediate guilty pleas entered. The fact that none of these offenders had offended before is also in their favour. Little was explained to the court as the reason behind all this criminal behaviour save that at its heart there is a land dispute.
9. These offences do not merit immediate custodial sentences. Far better that the offenders pay back something into the community that they disturbed by paying compensation for the damage and showing true remorse. Each was asked what they can afford to pay towards this damage and compensation orders made accordingly.
10. Some of these men seems to have been more active than others in the offending. A Chief should know better. The man who poured fuel onto the house to make sure it burnt. Yet they all supported each other in the offending and for that reason each one will be treated in the same way.
11. Compensation orders are made in the sum of VT 196,000 divided equally and 1 pig ^{with} tusk by way of customary reconciliation payable to Rudolph Avou, supervised by Probation Officer from Correctional Services Department.
12. Orders that the offenders perform unpaid community work for 120 hours.
13. Finally, orders are made committing each offender to imprisonment for eight months suspended for one year. The sentence for criminal damage by fire is reduced so that all offenders receive the same final sentence.

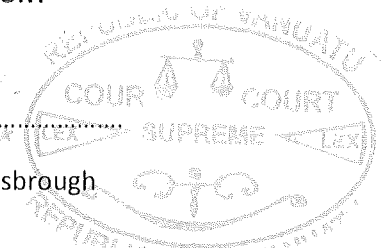


14. Should any of you commit an offence punishable with imprisonment within the next twelve months, you will go to prison for this offence. Should any of you fail to perform this unpaid work you can be brought back to court and if you fail to pay compensation as order you may also be brought back to court
15. You have the right to appeal against this sentence and you have 14 days starting today to do that.

Dated at Port Luganville this 24th September 2022

BY THE COURT

EP Goldsbrough
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Justice EP Goldsbrough

The seal of the Supreme Court of Vanuatu is circular. It features a central scale of justice. The words "REPUBLIC OF VANUATU" are written along the top inner edge, and "SUPREME COURT" is written along the bottom inner edge. The word "COUR" appears on the left and "COURT" on the right, flanking the scale. Below the scale, the word "LEX" is written on both sides. At the bottom center of the seal, there is a stylized emblem.