

**PUBLIC PROSECUTOR**  
**v**  
**CHARLOT BEBE**  
**FRANCIS BEBE**  
**MISLEA MELSUL**  
**MICHEL BENKOR**  
**WORIAL TONY**  
**WORIAL MELSUL GIOVANNIE**  
**ROGER SAMSAM**  
**SAMSAM MICHAEL**  
**WARILALA YULRICK**  
**REMO TATE**  
**TOPI MELSUL**  
**ROLLAND BULE TAMPA**

**Date of Plea:** 25 April 2023  
**Date of Sentence:** 29 May 2023  
**Before:** Chief Justice V. Lunabek  
**Appearances:** D Boe for the State  
E Molbaleh and J Vohor for all the Defendants

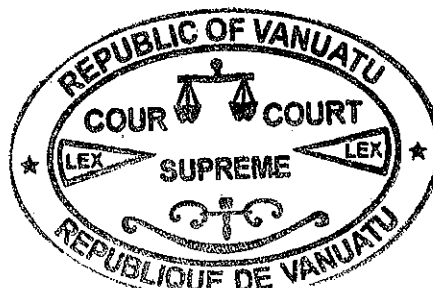
---

## **SENTENCE**

---

### **A. Introduction**

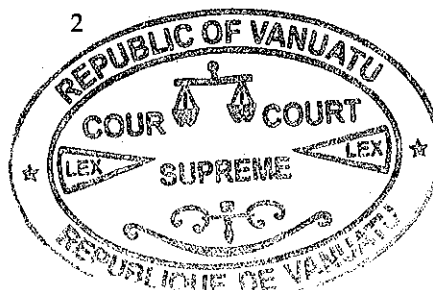
1. On 24 April 2023, the following Defendants: Francis Bebe, Mislea Melsul, Worial Tony, Roger Samsam, Samsam Michael, Warilala Yulrick, Remo Tate and chief Rolland Bule Tampa entered guilty pleas for the offences of unlawful assembly (count 1), riot (count 2), obstructing to police officers (count 3), intentional assault (count 4) and Defendant Charlot Bebe entered a guilty plea for that one count of intentional assault (count 4).
2. In addition, Defendant Francis Bebe entered a guilty plea on one count of threats to kill a person (count 6).



3. Defendants Charlot Bebe, Michel Benkor, Worial Melsul Giovannie and Topi Melsul entered not guilty pleas for the offences of unlawful assembly (count 1), riot (count 2), obstructing court officers in the executing of a warrant or orders of court (count 3) and intentional assault (count 4) but save for Defendant Charlot Bebe (see above paragraph 1).
4. Defendants Charlot Bebe, Michel Benkor, Worial Melsul Giovannie and Topi Melsul were discharged of and the charges of unlawful assembly, riot, obstructing police officers in the execution of a warrant or order of court were dismissed on the prosecution's application under section 29 of the Criminal Procedure Code Act [CAP. 136]. Similarly, Defendants Michel Benkor, Worial Melsul Giovannie and Topi Melsul were discharged of and the charge of intentional assault was dismissed in relation to each of them.
5. Defendant Charlot Bebe appears for sentence today on one count of intentional assault (count 4).
6. Defendants Francis Bebe, Mislea Melsul, Worial Tony, Roger Samsam, Samsam Michael, Worilala Yulrick, Remo Tate and chief Rolland Bule Tampa appear for sentence on one count of unlawful assembly (count 1), one count of riot (count 2), one count of obstructing police officers (count 3) and one count of intentional assault (count 4).
7. Defendant Francis Bebe also appears for sentence on one count of threats to kill a person (count 6).

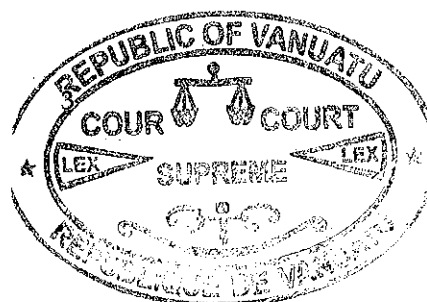
**B. Facts**

8. All the defendants are from Bay Barrier Village, Southeast Pentecost and they all reside at Bay Barrier during the commission of the offending.
9. The police officers have received a warrant of arrest issued by the Supreme Court in Port Vila. Four (4) police officers have been deployed to execute the warrant.
10. On 28 January 2023 around 4:15hours the following police officers namely, Jelson Bule, Gidon Tabi, Ralph Sawan and Clenson Tabi travelled to Bay Barrier village to execute the warrant of arrest on the following Defendants: Charlot Bebe, Michael Benkor, Tobi Melsul and Worial Melsul Giovannie as these Defendants had breached their previous bail conditions by absconding back to their village at Bay Barrier, Southeast Pentecost. These four Defendants were the subject of a criminal charge of intentional homicide in another criminal information which is pending before the Supreme Court for trial.
11. The four police officers decided to divide into two groups of two to ensure that that it will be much easier for them to carry out the arrest.

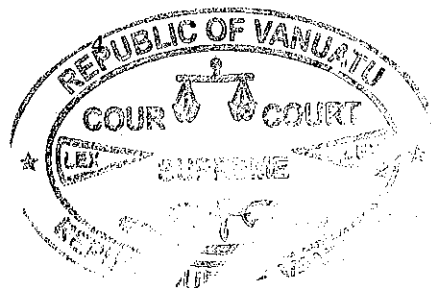


12. When they arrived at Bay Barrier Village, they managed to execute the warrant and they arrested the four Defendants.
13. During the arrest, the Defendants were hand-cuffed, and the police officers were about to take them back to the Police Station at Central Pentecost.
14. While the police officers and the Defendants were about to walk out from the village, chief Rolland Bule Tampa ordered the Defendants to assault the police officers.
15. The Defendants then assaulted the police officers and during the assaulting the police officers they also removed the handcuffs from the Defendants who had already been arrested.
16. The police officers run away from the Defendants. The Defendants who were released from the hands of the police also involved in the assaults of the police officers. Defendant Charlot Bebe removed a truncheon from the police officer Clenson Tabi and struck the police officer's head with the truncheon and he also assaulted the officer by standing on his rib. Defendant Francis Bebe threatened police officer Ralph Sawan to kill him with a bush knife at the time.
17. All these Defendants at the time of the commission of the offences breached the peace and caused terror to the public at large. The people in the community of Bay Barrier were in fear when these Defendants executed the purpose of their assembly.
18. At the time the police officers were unable to re-arrest the Defendants, so they travelled back to Central Pentecost Police Station.
19. The Defendants were later arrested by a group of police officers of Luganville, Santo, who were tasked to the arrest by the Commander North of the Police stationed at Luganville, Santo. These police officers travelled to Southeast Pentecost and arrested all the Defendants.
20. Eight of these Defendants were taken to Luganville Correctional Centre and five were brought to Port Vila Correctional Centre.
21. The Defendants participated in a recorded interview with the police after cautioned and they all admitted the allegations as charged against them.
22. The Defendants were remanded in custody until sentenced today. These Defendants have recently applied for bail, but their application was refused.

**C. Sentence Start Point**



23. I will reach a sentence start point by considering the maximum penalties set by law in respect to each offence. I will consider the factors in the aggravating and mitigating factors of the offending. I will consider case authorities on comparable cases in order to reach the appropriate highest sentence in the circumstances.
24. Section 68 of the Penal Code (the "Act") defines what is an unlawful assembly and what is a riot. It provides:
- "68. (1) When three or more persons assembled with intent to commit an offence, or, being assembled with intent to carry out some common purpose, conduct themselves in such a manner as to cause nearby persons reasonably to fear that the persons so assembled will commit a breach of the peace, or will by such assembly needlessly and without any reasonable occasion provoke other person to commit a breach of the peace, they are an unlawful assembly;*
- (2) It is immaterial that the original assembling was lawful, if, being assembled, they conduct themselves with common purpose in such a manner as aforesaid.*
- (3) When an unlawful assembly has begun to execute the purpose for which it assembled by a breach of the peace and to the terror of the public, the assembly is called a riot."*
25. Section 69 of the Act prohibits an unlawful assembly. It provides:
- "69. No person shall take part in an unlawful assembly.  
Penalty: imprisonment for 3 years"*
26. Section 70 of the Act prohibits a riot. It provides:
- "70. No person shall take part in a riot.  
Penalty: imprisonment for 10 years"*
27. Section 87 of the Act creates and sanctions the offence of obstructing court officers. It says:
- "87. No person shall willfully obstruct or resist any person lawfully charged with the execution of an order or warrant of any court.  
Penalty: imprisonment for 7 years"*
28. Section 107(b) of the Act deals with the offence of intentional assault causing damage of temporary nature. It provides:
- "107. No person shall commit intentional assault on the body of another person,  
Penalty: (a) ...  
(b) if damage of a temporary nature is caused, imprisonment for 5 years"*



29. Section 115 of the Act deals with the offence of threats to kill a person. It says:

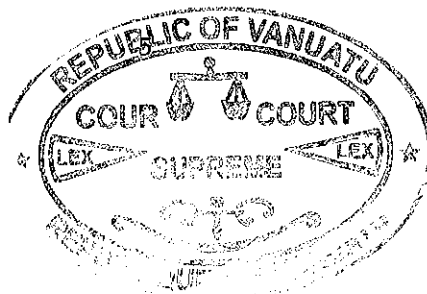
*"115. No person shall, knowing the contents thereof, directly or indirectly, cause any person to receive any oral or written threats to kill any person.  
Penalty: Imprisonment for 15 years".*

30. The offences committed on 28<sup>th</sup> January 2023 were committed as part of the same criminal enterprise or transactions. I consider a global assessment of the overall criminal activities committed on that day by the Defendants.

31. In this case, there is no personal mitigating factors to the offending, but the following factors aggravated the offences:

- A group actions;
- Use of force, aggression, and intimidation;
- Defendants' actions showed hostility which posed a risk to police officers in the execution of their duties as police officers;
- Actions of hostility towards police officers resulted in the absconders being released from police custody (while arrested and handcuffed);
- A waste of public resources in the efforts by the police officers to arrest the absconders;
- Injuries caused to police officers (lacerations, swelling, pain and bruises);
- Weapons were used such as knife and stones;
- Ignorance to court orders;
- Actions of defendant Rolland Bule Tampa as custom chief seen encouraging and ordering the assault of the police officers;
- Impact of the crimes on the victims – Police officer Clenson Tabi was struck with a truncheon on his head by Defendant Charlot Bebe and Charlot Bebe stood on the police officer's rib. Police officer Clenson Tabi expressed that he is still experiencing pain on his rib.

32. I set a sentence start point of 2 years imprisonment for the offence of unlawful assembly. I set a sentence start point of 4 years imprisonment for each of the following offences of riot, obstructing officers to execute orders of a court or a warrant of arrest, intentional assault, and threats to kill a person. These sentences will run concurrently to each other and concurrent to 2 years



imprisonment for unlawful assembly. This means that your respective sentence start point is 4 years imprisonment. That is the highest sentence in this case for each of you.

**D. Mitigating Factors**

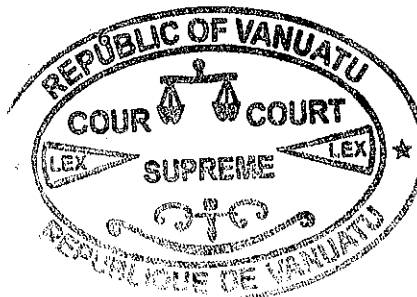
33. I now consider whether you have personal and mitigating factors in order to balance and cross reference them with aggravating factors to reduce your sentence start point and arrive at an appropriate end sentence for each of you. I consider each Defendant's personal mitigating factors individually.

Defendant Charlot Bebe

34. Mr Charlot Bebe, you are 54 years old at the time of the offending. You are from Bay Barrier Village on Southeast Pentecost. You are a married man, and you have 4 children. You are a member of Catholic Church at Bay Barrier village. Your highest level of education is class 6 in 1983 at Bay Barrier Primary School. You are the chairman of the Catholic Church of Bay Barrier. You have good relationship with your family and your community. You attended church services regularly and you participate to the church activities.
35. You are a first-time offender. You do not have previous conviction. You have a clean record. I allow 6 months reduction to reflect on your clean record.
36. You expressed great remorse for your wrong action. You realized your illegal actions and you promised not to re-offend in the same way in the future. A custom reconciliation ceremony has been performed by the chief of Bay Barrier community at Pangi Police Station after the offending. The custom ceremony was attended by the representatives of the victims, Commanding Police Officer at Saratamata, the Deputy Commissioner of Police and other police officers on Pentecost. The details of the items exchanged was in the report attached as "Appendix A" to the pre-sentence report. I give you another allowance of 6 months to reflect these factors.
37. You pleaded guilty at the earliest opportunity given to you by the authorities. You are entitled to 33% reduction for your earliest guilty plea.
38. The remaining balance of your sentence is 24 months imprisonment.

Defendant Francis Bebe

39. Mr Francis Bebe, you were 56 years old at the time of the offending. You are from Bay Barrier Village, Southeast Pentecost. Your highest level of education is class 6 at Bay Barrier Primary School. You are a member of the Catholic Church. You live in a defacto relationship with the

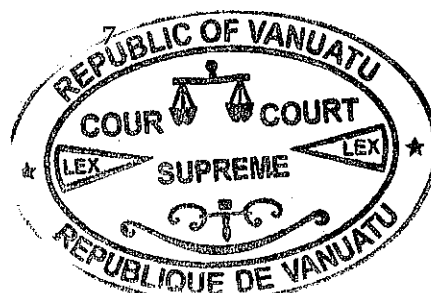


mother of your son Remo Tate (a co-offender). You separated from her some years ago. You are in good terms with your family, community, and your chief.

40. I take it that you are a first-time offender. You do not have a previous conviction. You have a clean record. I allow 6 months reduction to reflect your clean record.
41. You have expressed remorse for your illegal actions which have caused physical and emotional harm on the police officer Ralph Sawan. A custom compensation reconciliation was performed on your behalf. The details are contained in the Appendix A to the pre-sentence report. I give you a further allowance reduction of 6 months.
42. You pleaded guilty to the offences of unlawful assembly (count 1), riot (count2), obstructing officers to execute a warrant of arrest (count 3), intentional assault (count 4) and threats to kill a person (count 6) at the earliest opportunity given to you. I give you an allowance of 33% reduction to reflect your early guilty pleas.
43. The balance of your remaining sentence is 24 months imprisonment.

Defendant Mislea Melsul

44. Mr Mislea Melsul, you were a single man of 25 years old at the time of the offending. You are from Bay Barrier Village, Southeast Pentecost. Your highest level of education is class 6 at the Bay Barrier Primary School in 2014. You are the third child of your family. Your father is Charlot Bebe (a co-offender) and Samsam Michael is your brother (another co-offender). You have good relationship with your family and your chief. You are a member of Catholic Church at Bay Barrier.
45. You are a first-time offender. You do not have previous conviction. You have a clean record. I allow 6 months reduction for your clean record.
46. You explained that you were with your brothers when the police officers arrested your father and the other co-offenders. You said you could not control your anger and you punched a police officer. You admitted your wrongful action. You expressed regrets and you are remorseful. You explained you were not aware that your actions is against the law. You now realize your mistakes when you were arrested and remanded in custody. A custom reconciliation ceremony was performed on your behalf. The details of such a custom ceremony were in the Appendix A attached to your pre-sentence report. I give you a further 6 months reduction for these mitigating factors.
47. You pleaded guilty at the earliest opportunity given to you. I give you 33% reduction of your sentence start point.
48. The balance remaining of your sentence is 24 months.

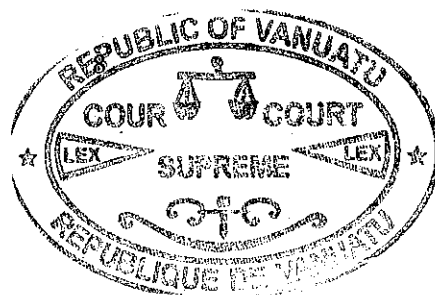


Defendant Worial Tony

49. Mr Worial Tony, you are a single and a young man of 18 years old. You are from Bay Barrier Village, Southeast Pentecost. You are a year 11 student at Melsisi Secondary School. Your involvement in the offences stopped you continuing with your education. You are a member of the Catholic Church at Bay Barrier. You have good relationship with your family, chief and community. You have high hope to complete your education. You said the money you earned from the sale of kava and taro in Port Vila is enough to sustain your school fees and family basic needs.
50. You are a first-time offender. You do not have a previous conviction. You have a clean record. I give you an allowance reduction of 6 months.
51. You realized you have made wrongful actions. You understand the consequences of your actions. You said you will not re-offend again. You are worried about your parents, and you are concerned over your education.
52. A custom reconciliation ceremony has been performed on 6 February 2023 by the chief of Bay Barrier community on behalf of the Defendants. The details of the custom ceremony as to who attended and what items were exchanged were contained in an attachment (Appendix A) to the pre-sentence report. I give you a further reduction allowance of 6 months.
53. You pleaded guilty to the offences of unlawful assembly (count 1), riot (count2), obstructing an officer in the execution of a court order or warrant of arrest (count 3), intentional assault (count 4) at the first opportunity given to you by the authorities. You are entitled to 33% reduction to your sentence start point.
54. I give you a further 6 months reduction in consideration to your youth at the time of the offending.
55. The balance remaining of your sentence is 18 months imprisonment.

Defendant Roger Samsam

56. Mr Roger Samsam, you are 24 years old. You are from Bay Barrier village, Southeast Pentecost. You are living in a defacto relationship with a woman and you both have a daughter together. You say you never went to school, so you do not have any school background. You are a member of the Catholic Church of Bay Barrier. You contribute to the work of your village, family, and community. You plant and sell kava and taro to sustain your life and your family. You conducted youth programs every Friday at the Bay Barrier community and you are the youth leader in your community.

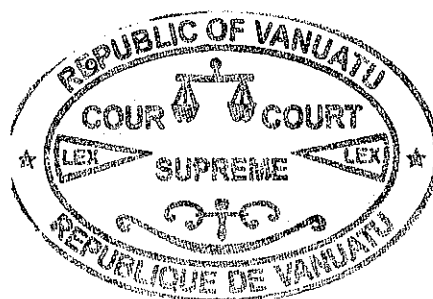




57. You are a first-time offender. You do not have previous conviction. You have a clean record. I give you an allowance of 6 months reduction to your sentence start point.
58. The pre-sentence report is attached with an "Appendix A" which contains the items exchanged during a custom ceremony performed by the chief of Bay Barrier community with the senior members of the Vanuatu Police Force. I give a further reduction of 6 months to reflect the custom compensation performance.
59. You entered guilty pleas to the offences of unlawful assembly (count 1), riot (count 2), obstructing an officer in executing an order of the court or a warrant to arrest (count 3) and intentional assault (count 4) at the first opportunity given to you by the authorities. I give you an allowance of 33% reduction from your sentence start point to reflect your earlier guilty pleas.
60. The balance of your remaining sentence is 24 months imprisonment.

Defendant Samsam Michael

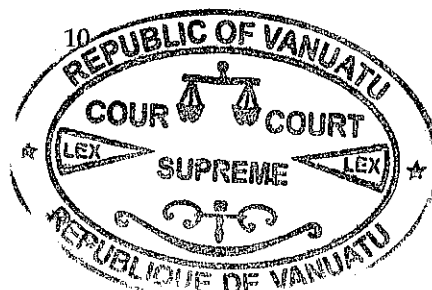
61. Mr Samsam Michael, you are 29 years old and a single man. You are from Bay Barrier village, Southeast Pentecost. Your brother and father are also co-offenders in this case. You are concerned over the health of your mother as she has gastric complaint. You are also concerned about your mother to nurse your sister who is in special needs.
62. Your high level of education is year 12 at Saint Michel, Santo. You returned home after school. You are a gardener. You sustained your life with your garden crops. You are dependent on your parents. You sell kava at intervals for living and you got little stipend from the Vodafone, your employer.
63. You are a first-time offender. You do not have previous record. You have a clean record. I give you an allowance of 6 months to reflect your clean record.
64. The pre-sentence report shows that the reason you assembled with the co-offenders was to defend your brother who was arrested. When your mother cried at you, you retaliated and assaulted the police officers. You tried to justify your actions when you stated that the police officer insisted to take the arrested defendants through the neighboring village (Lonbe) that had dispute with the people of your village. These are not mitigations.
65. The report shows also that you realized that obstructing a police officer during the exercise of his duty is a criminal offence. You stated if you had known, you would not have been involved with the others in a group offending. You regretted your illegal actions; you learned the types of offences you committed. You conveyed your sincere apologies to the victim, and you understand that respect is honourable.



66. A custom ceremony was performed by the chief of Bay Barrier community to the senior members of the Police. The details of the custom reconciliation ceremony were contained in the Appendix A attached to the pre-sentence report. I give you a further 6 months allowance reduction to your sentence start point.
67. You pleaded guilty to the offences of unlawful assembly (count 1), riot (count2), obstructing a police officer (count 3) and intentional assault (count4) at the first opportunity given to you by the authorities. You are entitled to 33% reduction to your sentence start point.
68. The balance remaining of your sentence is 24 months imprisonment.

Defendant Warilala Yulrick

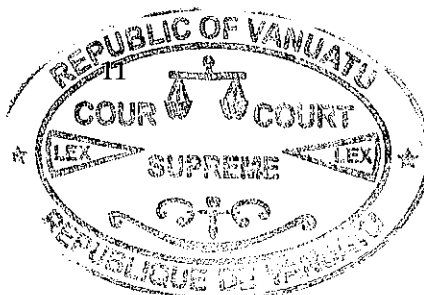
69. Mr Warilala Yulrick, you were 35 years old at the time of the offending in January 2023. You are from Bay Barrier, Southeast Pentecost. You grew up in your village and you attended a private school. You have completed your primary education up to class 1. You are married to Nicole, and you have three sons together. The first son is five years old, the second is four years and the third son is one year old.
70. You are a farmer. You plant kava and taro, and you sell them to earn money to meet your family's daily needs. You went diving occasionally to sell fish and earned extra income. You are a physically fit person. You work hard in your farm and other activities.
71. You have good relationship with your wife and family. You are respected by your community, your village, and your chief. You contributed to the development of your village. You have helped building a church and a school to provide better education for the children in your community. You want a better future for your children and so you want to ensure your children receive a good education. You are a devoted catholic and attended church regularly with your family.
72. You are a first-time offender. You do not have previous conviction. You have a clean record. I give you an allowance reduction of 6 months to your sentence start point.
73. You explained that you were pressured by the co-offenders to participate in the unlawful assembly and riot. You believed that you were protecting your village's interests, while you acknowledged that your actions were wrong.
74. You expressed that you regretted your actions and you do not want to engage in such behaviour again. You acknowledged that assaulting a police officer was wrong. You stated that you were only tried to prevent them from crossing into Lonbe Village with the other offenders, as you believed it could have led to the co-offenders' deaths.



75. You are worried about your family especially your wife, who has a health issue. Your wife cannot do gardening due to her health condition.
76. A custom compensation ceremony has been performed by the chief of Bay Barrier towards the senior members of the Police. The Appendix A attached to the pre-sentence report contained the items exchanged and who attended the custom ceremony. The ceremony included a red mat valued VT10,000, VT5,000 in cash, one head of kava at VT5,000, and a rooster chicken valued at VT2,000. The ceremony was attended by the Deputy Commissioner of Police, Northern Commander, South Commander, Penama Commander, Vanuatu Mobile Forces, and other police officers. I give you a further allowance of 6 months reduction.
77. You pleaded guilty to unlawful assembly (count 1), riot (count 2), obstructing a police officer (count 3) and intentional assault (count 4) at the first opportunity given to you by the authorities. I give you an allowance of 33% reduction to your sentence start point.
78. The balance remaining of your sentence is 24 months imprisonment.

Defendant Remo Tate

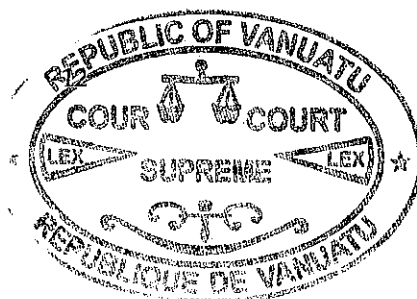
79. Mr Remo Tate, you were 22 years at the time of offending. You are a single man from Bay Barrier Village, Southeast Pentecost. You do not have any formal education as you did not have access to any formal educational opportunities.
80. But you have developed carpentry skills and you were able to contribute to your community to build a church and a school. You planted kava and sell it to earn money. You are a member of the Catholic Church of Bay Barrier. You stated in the report that your home environment had had challenges after your mother left you with your father when you were little. Your father has been your sole caregiver since then. Despite these challenges, you have good relationships with your family, community, and your chief.
81. You are a first-time offender. You do not have previous conviction. You have a clean record. I give you 6 months allowance reduction to your sentence start point.
82. You claimed in your pre-sentence report that you were acting on the orders of your village chief, who wanted to prevent the police from taking the co-offenders through a rival village called Lonbe. You stated that your village had a long-standing feud with Lonbe Village, and you believed that the co-offenders would be in danger if they were taken through the rival village. You also mentioned that during previous police arrests, police had only arrived by boats. This is not mitigating as you have tried to justify your actions.



83. However, you have expressed regrets for your actions, and you stated that you prayed every day for forgiveness from the two police officers you have assaulted them. You acknowledged that what you did was wrong and that you should not have followed the orders of your chief.
84. A custom reconciliation ceremony has been performed in February 2023 by the chief of Bay Barrier. The senior members of the Police Force attended the ceremony. The Appendix A attached to your pre-sentence report filed 8 May 2023 contained the detailed of the custom reconciliation ceremony. I give you a further 6 months allowance reduction to your sentence start point to reflect these matters.
85. You pleaded guilty to unlawful assembly (count 1), riot (count 2), obstructing a police officer while on duty (count 3) and intentional assault (count 4) at the earliest opportunity given to you. You are entitled to a reduction of 33% to reflect your early guilty pleas.
86. You were a young person at the time of your offending. You were obeying the orders of your chief and as a young person, you were easily influenced. I give you a further allowance reduction of 6 months to reflect your status of youth offender.
87. The balance of your remaining sentence is 18 months imprisonment.

Defendant Rolland Bule Tampa

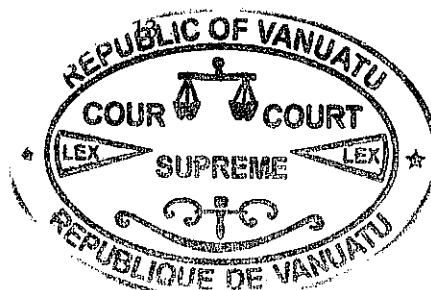
88. Mr. Rolland Bule Tampa, you are 49 years old at the time of the offending. You will be 50 years old on 6 June 2023. You are from Bay Barrier Village, Southeast Pentecost. You have inherited your father's title as a chief of your village. You are a custom chief; you work closely with chief Christian Watas. You stated you like your people who cooperated well with you. You have no issue at your home. You stated the only issue defiling your people including yourself is the neighboring village, you described as heathen people who are not educated to understand what was right.
89. You make a living through your gardening crops. You raised cattle in your plantation. You sell the product of your cattle to earn money for your family. You also earn money when occasionally you sell kava.
90. You assisted your village and community by offering them cattle meat during special occasions like weddings.
91. You left school at year 7 at Montmartre School, Port Vila due to school fees so you could not continue. You are a member of the Catholic Church of Bay Barrier. You attended church services regularly as you took lead in singing and reading of the words.



92. You are a first-time offender. You do not have previous conviction. You have a clean record. I give you a 6-month allowance to reflect your clean record.
93. You explained that the offences occurred early morning, and by the time you got into the crime scene, your co-offenders were already into fight with the police officers, and everyone was shouting and talking that you could not settle the situation as a chief. The report shows that you told the police officer Ralph Sawan the option of taking the arrested defendants on the boat instead of following the road to the neighboring village that is of risk to the defendants. You further stated that you were trying to protect the police officers from your co-offenders, but you could not. I cannot accept that as you pleaded guilty on the offences as alleged against you on the basis that you took part in the unlawful assembly, and you ordered the co-offenders to assault the police officers. You further stated that you were the last person to arrive at the crime scene when the offensive actions were already taken by your co-offenders, but this cannot be accepted as you are trying to justify your offences.
94. You stated you attempted to say sorry to the police officers with a red mat, but it was not accepted by the police officers. You stated that you initiated the custom ceremony that was performed by the chiefs of your village. You referred to the custom ceremony performed by the chief of your village on your behalf and your co-offenders. The details of the custom reconciliation ceremony were provided in the letter of 5 February 2023 attached as Appendix A to your pre-sentence report. I give you a further 6 months reduction to reflect the custom ceremony, your initiation of a custom performance that put peace amongst your people and the neighboring village.
95. You pleaded guilty to the offences of unlawful assembly (count 1), riot (count 2), obstructing a police officer (count 3) and intentional assault (count 4) at the first opportunity given to you by the authorities. I give you a discount of 33%.
96. The balance of your remaining sentence is 24 months imprisonment.

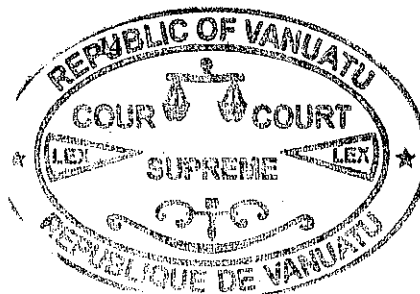
#### **E. End Sentences**

97. Charlot Bebe, Francis Bebe and Mislea Melsul, your respective end sentence is 24 months imprisonment. Your respective pre-sentence reports show that you all three (3) were remanded in custody on 31 January 2023 until sentenced today. The pre-custodial period you each have already spent must be considered.
98. I consider the nature and circumstances of your offending; I consider your character as offenders. Apart from the role played by Chief Rolland Bule Tampa on 28 January 2023 leading to the offences committed on that date, Charlot Bebe, Francis Bebe and Mislea Melsul, you were the leaders of the offending group (of the co-offenders) on 28 January.2023 at Bay Barrier which resulted, among other matters, in the defiance of the law and its enforcement by obstructing



police officers in the execution of orders of a court or execution of a warrant of arrest, by assaulting the police officers during the exercise of their duties. The seriousness of such offences outweighs any mitigating factors. Such offences warrant a custodial sentence. A suspension of your respective sentences of 24 months imprisonment is not warranted in the circumstances of this case.

99. Charlot Bebe, Francis Bebe and Mislea Melsul, you shall serve each your respective term of 24 months imprisonment which is deemed to start for each of you on 31 January 2023.
100. Worial Tony and Remo Tate, your respective end sentence is 18 months imprisonment. You have already spent pre-custodial period at the time of your remand in custody on 4<sup>th</sup> of February 2023 until sentenced today (4 months in custody). This represents an effective sentence of 8 months imprisonment for each of you.
101. I consider the nature and circumstances of your respective offending. I consider your respective characters as offenders and I consider your young age, the fact that you were influenced by others in the commission of these criminal offences. Your respective imprisonment terms of 18 months are suspended for a period of 2 years for each of you.
102. I explain to Tony Worial and Remo Tate the meaning and implication of the suspension period of 2 years of their respective terms of 18 months. They both inform the Court that they understand them.
103. In addition, I order that Worial Tony and Remo Tate perform each 40 hours of community work.
104. Roger Samsam, your end sentence is 24 months. You have been remanded in custody since 4 February 2023 (4 months in custody) which represents an effective sentence of 8 months imprisonment.
105. I consider the nature and circumstances of your offending. I consider your character as an offender. You have realized the consequences of your offending and you say you will not re-offend in the future. I am prepared to give you time to rehabilitate with your community and specially to lead the youth of your community and to play your role as the leader of the youth in your community. I therefore suspend your imprisonment term of 24 months for a period of 2 years.
106. I explain to Roger Samsam the implication and consequences of the suspension period of 2 years. He informs the Court that he understands them.
107. In addition, I order that Roger Samsam performs 40 hours of community work.



108. Samsam Michael, Warilala Yulrick and Rolland Bule Tampa, your respective end sentence is 24 months imprisonment. Your respective pre-sentence report shows that you were each remanded in custody awaiting sentence since 4<sup>th</sup> February 2023. The pre-custodial period you have already spent in custody has to be deducted or considered in your favour.
109. I consider whether I should suspend your respective imprisonment term of 24 months. The nature and circumstances of the offending and your characters as offenders:
- You were adult and responsible persons where you committed the offences;
  - The seriousness of your offending outweighs the mitigating factors;
  - Obstructing police officers in the execution of court orders and assaulting police officers in such circumstance are so serious that imprisonment is necessary;
  - Rolland Bule Tampa, you are a chief. As a chief, your role is to lead your people to respect and obey the law in your village, your community, your island, and your country. It is wrong to use your title of chief to order your people to assault policemen in the execution of their duties as you did in this case.
110. Samsam Michael, Warilala Yulrick and Rolland Bule Tampa, a suspension of your respective term of 24 months imprisonment is not warranted.
111. You shall each serve your imprisonment term of 24 months imprisonment which is deemed to start on 4 February 2023.
112. Charlot Bebe, Francis Bebe, Mislea Melsul, Worial Tony, Roger Samsam, Samsam Michael, Warilala Yulrick, Remo Tate and Rolland Bule Tampa, you have each 14 days to appeal your respective sentences if you are unsatisfied with them.
113. The 14 days starts today Monday 29 May 2023.

**Dated at Luganville, Santo, this 29<sup>th</sup> day of May 2023**

**BY THE COURT**

**Chief Justice V. Lunabek**

