

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

Criminal
Case No. 26/390 SC/CRML

PUBLIC PROSECUTOR

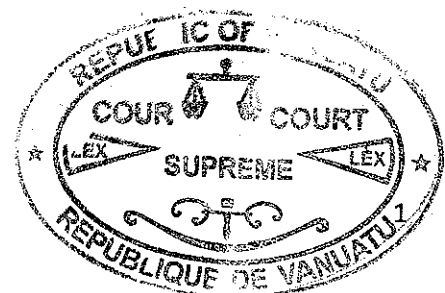
v

OWEN AIMBEL

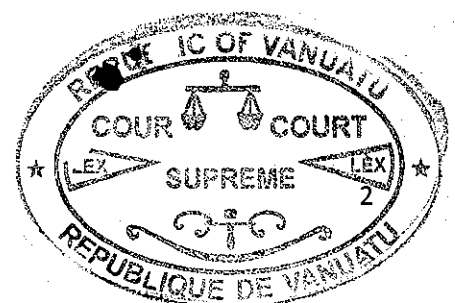
Date: 19 March 2026
Before: Justice V.M. Trief
Counsel: Public Prosecutor – Ms G. Kanegai
Defendant – Mr J. Garae

SENTENCE

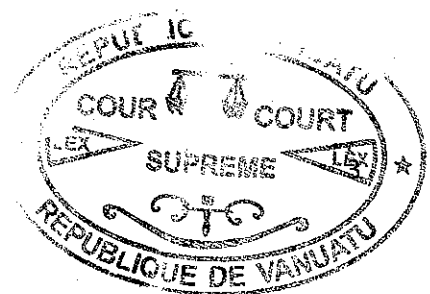
1. Mr Owen Aimbel, also known as Owen Ibel, you appear for sentence today having pleaded guilty and accepted the summary of facts in relation to unlawful possession of cannabis contrary to subs. 2(62) of the *Drugs Act* [CAP. 12]. You are convicted on your own plea and the admitted facts.
2. On 15 October 2025, Police officer Donald Maijungmen found you in possession of what he suspected to be cannabis at your village, Whitesand village at South West Bay on Malekula island. He arrested you and confiscated the substance. The Police Drugs Unit testing confirmed that the substance was cannabis, weighing 20.41 grams.
3. On 23 October 2025, you admitted the offending under caution.



4. The sentence start point is assessed having regard to the maximum sentence available, and the mitigating and aggravating factors of the offending.
5. The maximum penalty for the offence of unlawful possession of cannabis is 20 years imprisonment and/or a fine of up to VT100 million.
6. There are no aggravating or mitigating factors to this offending.
7. Counsel both cited *Wetul v Public Prosecutor* [2013] VUCA 26 and *Public Prosecutor v Wina* [2025] VUSC 275 per Aru J, amongst other cases, and submitted that the Court adopt a 12-month sentence starting point. In *Public Prosecutor v Wina*, the defendant was found in possession of 14.5 grams whereas in the present matter, you were found with 20.41 grams.
8. Taking the foregoing matters into account, the sentence start point I adopt is 12 months imprisonment.
9. One third (4 months) is deducted for your early guilty plea.
10. You are 30 years old. You are single and have a 9-year old daughter who lives with her mother. You are a subsistence farmer. You cooperated with the Police and have pleaded guilty at the first opportunity. You are not a first-time offender. In 2024, you were convicted for cultivation of 76 cannabis plants weighing 0.75 kilograms. On 23 May 2024, you were sentenced to 1 year 8 months imprisonment, suspended for 2 years plus 80 hours community work and 6 months of supervision: *Public Prosecutor v Ibel* [2024] VUSC 95; in CRC 24/779 per Lunabek CJ. You have completed the community work and supervision ordered. However, you have offended again within the period of the suspension of that sentence. You have served 42 days in custody (15 October 2025-25 November 2025), an effective imprisonment term of nearly 3 months. Accordingly, a further 3 months is deducted from the sentence start point. However, I make no other deduction for your personal factors.
11. The end sentence imposed for unlawful possession of cannabis is 5 months imprisonment.
12. The applicable sentencing principles are expressing disapproval of this offending on behalf of the people of Vanuatu, general and specific deterrence, and holding you to account for your offending.



13. The Court has a discretion under s. 57 of the *Penal Code* to suspend all or part of the sentence where it is not appropriate to make an offender suffer immediate imprisonment "... (i) in view of the circumstances; and (ii) in particular the nature of the crime; and (iii) the character of the offender."
14. There are no exceptional circumstances to warrant suspension of the sentence.
15. As for your suspended sentence, Ms Kanegai submitted that you have received the present conviction with only 2 months to go till the end of the period of the suspension of that sentence. Therefore, the Court should decline to activate the suspended sentence and sentence you separately, citing *Public Prosecutor v Haiegospin* [2020] VUSC 83 and *Public Prosecutor v Malkorkor* [2020] VUSC 184.
16. In *Public Prosecutor v Haiegospin*, the Court declined to activate the suspended sentence due to the defendant being 20 years old, hence, to promote his rehabilitation. However, Mr Aimbel, you are 30 years old. In *Public Prosecutor v Malkorkor*, the Court declined to activate the suspended sentence as it had already been activated as the defendant had been taken into custody to serve that sentence. In the present case, you have been further convicted for possession of cannabis following a conviction for cultivation of cannabis. You have now been convicted of further offending whilst your suspended sentence is still in force. You do not show that you have been rehabilitated and disapproval of such offending must be expressed. Accordingly, I consider that your suspended sentence must be activated.
17. However, given that you have been convicted in the present matter just 2 months before the suspension period ended, I consider that it would be unjust in view of all the circumstances since the suspended sentence was imposed to make you serve the entire 1 year 8 months imprisonment sentence imposed in CRC 24/779.
18. Accordingly, I order that the suspended sentence from CRC 24/779 is **activated** and **substituted** by the following lesser period of imprisonment pursuant to para. 57(1)(d)(i)(ia) of the *Penal Code*: one month imprisonment.
19. The end sentence imposed on you today in the present matter is to be served consecutively to the sentence imposed by the Supreme Court in CRC 24/779: subs. 57(1)(c) of the *Penal Code*. Accordingly, you are to serve your sentences consecutively by serving the sentence of one month imprisonment for CRC 24/779, and thereafter, serve the sentence imposed today for CRC 26/390 of 5 months imprisonment.



20. Given that you have previously served time in custody, s. 50 of the *Penal Code* does not apply to you therefore you are to present yourself to the Correctional Centre here in Luganville today to begin serving your sentences. The Manager of the Correctional Centre is to inform the Court tomorrow if you fail to present yourself to the Correctional Centre by close of business today.
21. You have 14 days to appeal the sentence.
22. The drugs are to be destroyed.

**DATED at Luganville this 19th day of March, 2026
BY THE COURT**



Justice Viran Molisa Trier

