

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

Cr. Case No. 3985 of 2016

**PUBLIC PROSECUTOR**

**-v-**

**TENO PROVINA**  
**ZIO EUNA HINE**

**Coram:** Stephen Kalo  
**Court Clerk:** Aurelie Litoung

**Appearances:** Wiclyffe Tarienga for the State  
*Defendants appear in Person*

**SENTENCING**

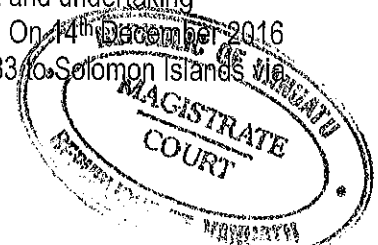
1. Ms. Teno Provina and Ms. Zio Euna Hine, on 14<sup>th</sup> December 2016 the police charged you with an offence particularized as follows:
2. Count 1
3. **Statement of offence**

Without Justification making an alarming statement or use alarming words or behaves in an alarming manner- contrary to Divison 3 Section 5 (1) (c) of the Aviation Security Act No. 10 of 2007.

**Particulars of the offence**

**TENO PROVINA**, you are 22 years old and **ZIO EUNA HINE** you are 27 years old and you are both from the Solomon Islands and now residing in Port Vila. On or about 14<sup>th</sup> December 2016 at the Check-In Counter of Airports Vanuatu, you both make (sic) an alarming statement to the Check-in officer by stating that you have BOMBS inside your luggage and that it is against the law of Civil Aviation and safety of the airport.

4. You pleaded guilty on the charge and the Prosecution submitted the brief facts of the case to the following effect:
5. You both hailed from Solomon Islands and were residing in Port Vila and undertaking hospitality studies at the Australia Pacific Technical College (APTC). On 14<sup>th</sup> December 2016 you were checking in at the Airline check in desk to board flight PX 8370 Solomon Islands



Port Moresby, Papua New Guinea. Upon checking in the officer asked you Teno Provina for items stored in your luggage which you responded positively that nothing contained in the bag is life threatening. Your luggage was then stored away. Zio Euna Hine then checked in and the same question was put to you by the Check in officer. Teno Provine, you were standing next to Zio Euna Hine by the counter at the time and responded that Zio Euna Hine had bomb in her luggage. Teno Provina, the statement you made was reported to the authorities and as a result, you were both directed not to board the plane but taken to the police station for questioning.

6. I have satisfied myself that the alarming statement was uttered by you Teno Provina. No evidence showed Zio Euna Hine made an alarming statement contrary to the provisions of Section 5 (1) (c) of the Aviation Security Act No. 10 of 2007. The Prosecutor said she was only charged because it was her bag that was removed for inspection on the statement of Teno Provina. Whether or not there was a bomb in Zio Euna Hine's bag is immaterial as the charge is in relation to making of an alarming statement.
7. I therefore dismiss the charge against defendant Zio Euna Hine and you are discharged accordingly.
8. I shall now proceed with sentencing for Teno Provina.
9. You have no previous record of conviction.
10. The Prosecution submitted that proper consideration must be taken by the court in respect of this offence and that adequate punishment must be imposed on you to deter you from repeating offence and others from doing same.
11. The prosecution embarked on the governing legislation dealing with security in the operation and uses of aircrafts. With significant increases in terrorist attacks in aircrafts and making of threat statements in an aircraft and their operations resulted in many aircraft company losing businesses.
12. This legislation as the name suggests "Aviation Security Act" is to ensure that security must be the paramount duty of each and every individual employed in the aviation industry including those who hire their services to promote confidence and trust in the safety operations of the services rendered.
13. The penalty for the offence you committed is VT 400,000 fine.
14. The Prosecution submitted a sentence of fine would be appropriate in your circumstances to mark seriousness of the offence and to act as deterrence to you and other people travelling by aircraft to various places.
15. You retained residence in Vanuatu as a student undertaking Hospitality Studies at APTC. You have completed your studies and are now returning to your country.
16. You were not aware that making such alarming statement is prohibited by law. You were not able to leave the country because of the offence you committed. You had to live in a Rental Apartment in Port Vila lucky enough to be financially supported by the APTC. You showed remorse for your actions and the court is hopeful that never in your life will you ever make such



a statement again when in a vicinity of an aviation centre. The court understands the trauma and anxiety you have suffered as a consequence of this offence.

17. Your potentials are bright as you have graduated and soon you will be in the workforce. Any convictions now will affect your status as an employee in a Resort or Hotel in your country.
18. I have decided not to place a conviction on you of the charge upon taking into account the following mitigating factors:
  - You are remorseful for your actions;
  - You have no previous conviction record;
  - You pleaded guilty at first opportunity
  - You cooperated very well with the police during questioning.
  - You had no awareness that making such statement is prohibited by law.
19. You are ordered to pay fine of VT 15,000 by 4.30 pm today.
20. The Police Officers will release your travel documents as soon as the fine is paid in full with receipts produced to confirm payment.
21. Zio Euna Hine's travelling documents must be surrendered to her forthwith by the Police Officer having custody thereof.
22. You have 14 days to appeal if are not satisfied with this sentence.

DATED at Port Vila this 15<sup>th</sup> day of December 2016

BY THE COURT



STEPHEN KALO  
Magistrate

