

(Criminal Jurisdiction)

**PUBLIC PROSECUTOR**

**-V-**

**LUKE MANSEN**

**Coram: Mr Justice Oliver A. Saksak  
Cynthia Thomas - Clerk**

**Counsel: Mr Willie Daniel - for Public Prosecutor  
Mr Hillary Toa - for the Defendant**

**SENTENCE**

This man appeared on a charge of criminal nuisance contrary to section 114 of the Penal Code Act. He pleaded guilty to the charge.

It is charged by the Prosecution that this man had out of bad intentions inserted needles and a piece of iron rod into pieces of beef meat exported to Japan between November and December 1996. These were discovered in February and March 1997.

The Defendant was an employee of the Santo Meat Packers. Witness statements indicate that the employees were not content with their salaries and other conditions of service. One witness says he saw the Defendant at a place he was not supposed to be doing something which give rise to suspicion and curiosity. One witness says the Defendant indicated to him that something would happen but that he was gutting work prior to be all happening.

The Defendant was suspected as a result of resignation. He was questioned and he admitted inserting needles and iron into the meat exported to Japan. He explains that his only reason is low salary and poor working conditions for all employees.

I am told by Mr Toa that this men has no previous convictions. That he is married and has a 5 year old daughter who will attend school next year. that his wife does not work but caring only for their daughter at home. That the Defendant is 43 years old. That he worked in the Abattoir since 1986 with a salary of vt15.000 per month. That these has was no promotion of salary increases until 1996 when raised to vt25,000 per month. that no allowances are paid to employees and that employees work under very poor conditions. That employees are not adequately protected from cold and are prone to colds and


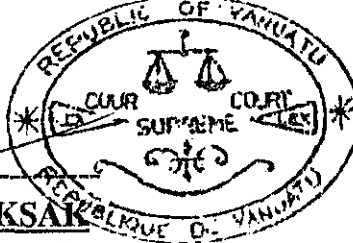
influenza. That they have collectively complained to management and nothing seems to have been done. Their concerns were addressed also to governmental bodies and authorities in March 1997 but it seems it has fallen on deaf ears. The Defendant was frustrated about all this. In any event I am told he is truly sorry and regrets his actions. He admitted the offence to the Police. He has resigned as a result and has found new employment with Wong Ze Sing Butchery. He is promised vt20,000 per month.

I accept all that Mr Toa has said on the Defendant's behalf. But in my opinion this offence is quite a serious one because the defendant's action has affected the country's good standing Vanuatu has as a meat producing and exporting country. It is possible that the defendant's action may have affected Vanuatu's income as far as export of meat is concerned. It is on this basis that I see the offence as serious and for this reason it is appropriate that the Defendant pays the penalty by imprisonment but for a short term.

I therefore sentence the Defendant to a term of 3 months imprisonment. He has 14 days in which to appeal if he so wishes.

Dated at Luganville this 19th day of August, 1998.

**BY THE COURT**

**OLIVER A SAKSAK**  
Judge of the Supreme Court