

PUBLIC PROSECUTOR

-vs-

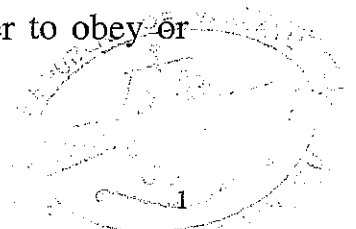
HOLI SIMON
API JACK MARIKEMBO
PAUL WILLIE REUBEN
ERIC PAKOA

SENTENCE

You have each been convicted of mutiny, incitement to mutiny, kidnapping and false imprisonment. These are serious charges. Mutiny necessarily strikes at the foundation of any disciplined force. When there is mutiny in a police force it is a short step to a break down of law and order. It can cause a force to split into two parts which fight each other.

In this case on 27th August matters came dangerously close to a gun battle in one of the main streets of Port Vila. It was the good sense of other officers that prevented that.

You are not junior officers. As senior officers you are expected to act with calm and wisdom. To say stop, let us look at this carefully. Is it lawful ? Have proper procedures been followed? You failed to do that. Innocent people were arrested, taken from their beds and detained in custody. Junior members of the force did not know whether to obey or not obey orders. It was difficult for them.



These arrests were ordered without warrant and almost no basis of fact. It is of great concern that the idea existed of "Arrest first, find the evidence later" That is unacceptable. If improvement in the force occurs on this, then some good will have come out of this case.

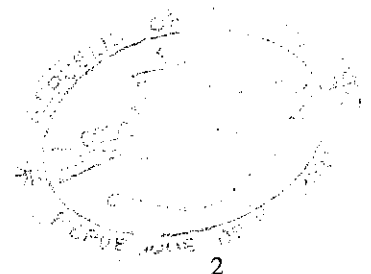
It is easy to believe rumours. Especially if they affect your personal interest. There was some basis for your beliefs in relation to two or three of those arrested. But not the rest.

Rumours and speculation are dangerous. They feed on themselves and become beliefs. Then, innocent acts are distorted and wrongly seen as support for those misfounded beliefs.

As senior and experienced officers you should have had proper investigations carried out before making arrests. You didn't.

Your primary aims should have been to build the Vanuatu Police Force as a respected institution, and to uphold the law and follow proper procedures, not to advance or preserve your own self interest or those of your colleagues. Your lawyers say that throughout lengthy careers you have followed those primary aims. This case was a few days of error. And you have paid dearly for it.

I accept you did seek legal advice in these acts. I do not know how much you received. It is clear that advice was not good. The responsibility for that lies with the lawyer.



If something goes wrong, the best advice is to follow the proper legal procedures. If there are errors or illegal acts by others, do not act illegally yourselves.

As everyone has said, if you had waited just four days all this would not have happened.

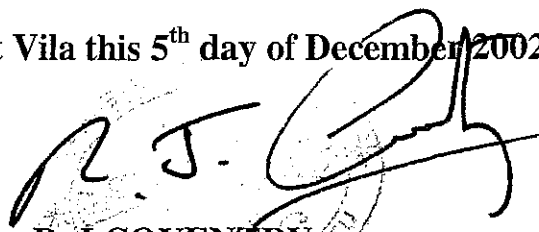
I accept you are all family men. The greatest tragedy is that after years and years of service this occurs. I accept you were not aiming to bring down the police force, in fact quite the opposite. There were, however, elements of personal motive in this.

The normal sentence for a mutiny of senior officers in a disciplined force is several years in prison.

This is an unusual case. I find the correct sentence is 2 years imprisonment concurrent upon each count. There are many special circumstances. You all have long records of service to the force. For these reasons I have no hesitation in suspending those sentence for 2 years.

Informed of Right of Appeal.

Dated at Port Vila this 5th day of December 2002.


R. J. COVENTRY
Judge

