

**IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU**

(Criminal Jurisdiction)

CRIMINAL CASE No.31A of 2002

PUBLIC PROSECUTOR -v- KAS KOLOU AND OTHERS

Coram: Chief Justice Vincent Lunabek

Counsels: Mrs. Heather Leo, the Public Prosecutor
Mr. Ronald Warsal for the Defendants

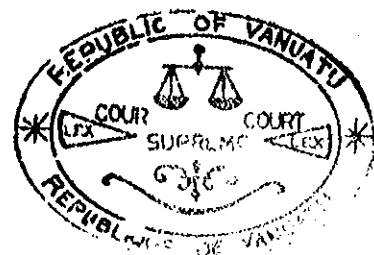
JUDGMENT

Trial ia hemi just of a series of trial we hemi involvem people long Eton Village, North Efate. Prosecution hemi charged about 54 defendants. Court wetem assistance blong prosecution mo defence counsel, oli managem case ia bae separate trials.

Long criminal trial ia PP v. Kal Kolou and Ors, Cr.31A of 2002, Prosecution hemi chargen 7 defendants wetem 7 different counts.

Olgeta defendants ia names blong olgeta i go olsem:

- | | | | |
|--------------------|-----------------------|---------------------|---------------------|
| 1. Kas Kolou | 12. Andrew Rolland | 23. Sal Sandy | 34. Kalwas Wesley |
| 2. Eddie Karis | 13. Bernard Timothy | 24. George Sandy | 35. Lamai Ware |
| 3. John Karis | 14. Pakoa Kalemot | 25. Noel Kalkot | 36. Toara Kaltong |
| 4. Timothy Kalses | 15. Taris Karis | 26. Ierie Kalskar | 37. Kalter Kaltong |
| 5. Kalkot Kalsilik | 16. Kalses Kalemot | 27. Freddie Kalomut | 38. Sano Kalo |
| 6. Kaltili Kalfau | 17. Richard Kalses | 28. Kalmar Supu | 39. Jeffrey Kolorut |
| 7. Spooner Timothy | 18. Kaltap Richard | 29. Kaltau Samson | 40. Lani Karis |
| 8. Kalfau Charley | 19. Allen Richard | 30. Kaltel Daniel | 41. Jack Kalsakar |
| 9. Kalfau Philip | 20. Christian Timothy | 31. Roy Kalsilik | 42. Edward Kalsapa |
| 10. Billy Supu | 21. Kalosa Kalses | 32. Sial Roy | 43. Frank Kaleur |
| 11. John Rolland | 22. Barak Song | 33. Kali Kalsei | 44. Samuel Kaleur |



- | | | | |
|--------------------|---------------------|---------------------|----------------------|
| 45. Kalosik Kaleur | 51. Bobsul Kalfau | 57. Kalkot Richard | 63. Royice Ben |
| 46. Graham Kaltong | 52. Willie Supu | 58. Sial Kalosik | 64. Merakwi John Ten |
| 47. Daniel Graham | 53. Owen Supu | 59. Jeffrey Rolland | 65. Berry Supu |
| 48. Kennedy Pierre | 54. Kaltang Kalwas | 60. Pierre Kalfau | |
| 49. Francis Kalfau | 55. Bernard Timonhy | 61. Pako Kalses | |
| 50. Edwin Kalfau | 56. Sano Rolland | 62. Spooner Kalon | |

Count 1:
Particulars

Count 2:
Particulars

Count 3:
Particulars

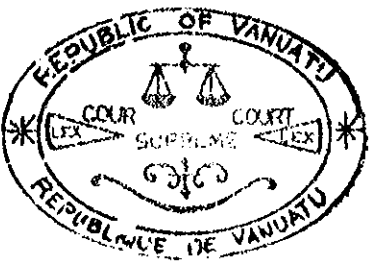
Count 4:
Particulars

Count 5:
Particulars

Count 6:
Particulars

Count 7:
Particulars

Long end blong prosecution case, prosecution hemi withdrawem olgeta counts ia: 4, 5 and 6.



Mo after defence counsel no case application and submission, Court hemi dismissem Count 3 because ino gat prima facie evidence againsem the defendant charged.

Tiime defence case start, Court hemi deal nomo wetem 3 counts, namely, counts 1, 2 mo 7.

Only 2 defendants prosecution heimi mekem case againsem tufala namely: Kas Kolou and Eddie Karis.

Long Count 1:

Long Count 2:

Count 7:

Long wan criminal trial, hemi duty blong prosecution blong provum case against each and all defendants.

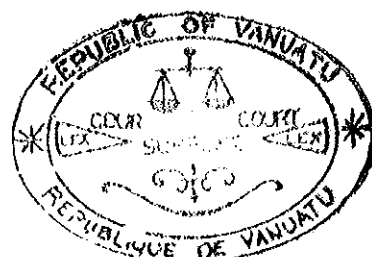
Hemi means se prosecution I must provum every essential element blong 1 offence beyond reasonable doubt.

Hemi no duty blong defendant to prove their innocence.

Time defendants givim evidence/toktok – toktok blong hem bae Court I must balance long same basis olsem toktok blong witnesses blong prosecution.

Blong Court hemi finem defendants Kas Kolou mo Eddie Karis guilty long counts 1, 2 and 7, prosecution i must provum beyond reasonable doubt olgeta essential elements blong offences ia.

Long count 1:



- (i) Kas Kolou hemi callem meeting blong 23 December 2001, long community hall blong Eton Village.
- (ii) Long meeting ia Kas Kolou hemi talk about plans blong damagem property blong narafala man.

Long count 2:

- (i) Kas Kolou mo Eddie Karis tufala I groupem ol people blong village blong Eton long 23 December 2001.
- (ii) Kas Kolou mo Eddie Karis long meeting blong 23 December 2001 tufala I putum togeta 1 plan or mekem agreement blong damagem property blong narafala man.

Long count 7:

Kas Kolou hemi encouragem mo supportem peop[le blong eton Village blong burnem hous blong Akau Kaltamat long 28 December 2001.

Court hemi listen mo considerem toktok blong witnesses blong prosecution mo toktok blong witnesses blong defendants, Court I come long conclusion se prosecution hemi no provum case blong againsem defendants: Kas Kolou and Eddie Karis.

Verdict:

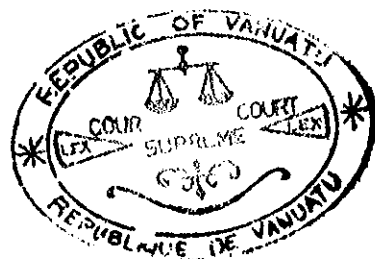
In count 1:

Kas Kolou - Not guilty.

In count 2:

Kas Kolou - Not guilty.

Eddie Karis - Not guilty.

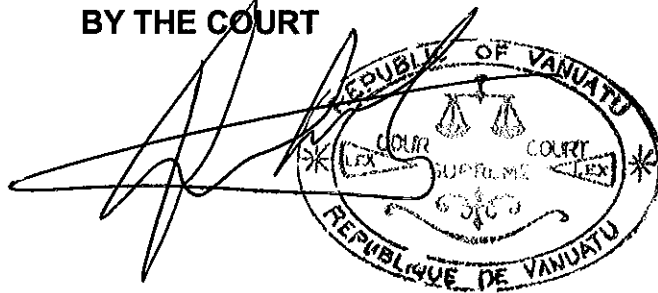


In count 7:

Kas Kolou - Not guilty.

Dated at Port-Vila this 12th day of September 2003

BY THE COURT



Vincent LUNABEK
Chief Justice