

(Criminal Jurisdiction)

**PUBLIC PROSECUTOR**

**VS.**

**RON TABI  
HAMLEN TABI  
AUTHUR BAN  
HOSEA TABI  
JEFFREY TABI  
JESSIE BULE  
ANDREW TABI PAKOA  
EDWARD TABI  
KENNEY TABIMAL  
RON SAMUEL TABI  
JIMMY BULE  
RITCH TABI  
DENGOS BULE  
LAWRANCE TABI  
PETER BULE  
KINOX TABI  
ISIAH TABI  
GANDY TABI**

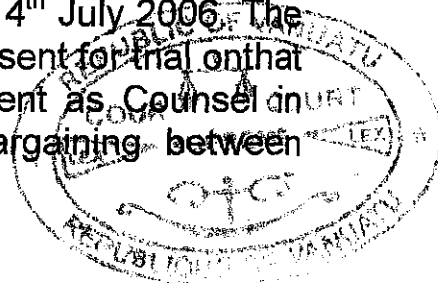
**Coram: Mr Justice Oliver A. Saksak  
Mrs Anita Vinabit – Clerk**

**Counsel: Ms Kayleen Tavoia – Public Prosecutor  
Mr Hillary Toa – Public Solicitor for the Defendants**

**Date of Plea and Sentence: Friday 14<sup>th</sup> July 2006 at Pangi, South Pentecost.**

## **SENTENCE**

These 18 defendants initially pleaded 'not-guilty' to unlawful assembly and arson on 17<sup>th</sup> March 2006 in Luganville. The case was transferred for trial at Pangi, South Pentecost on 14<sup>th</sup> July 2006. The prosecutions arranged for their witnesses to be present for trial on that date. However as a result of Mr Toa's involvement as Counsel in place of Mr John Timakata there was plea bargaining between

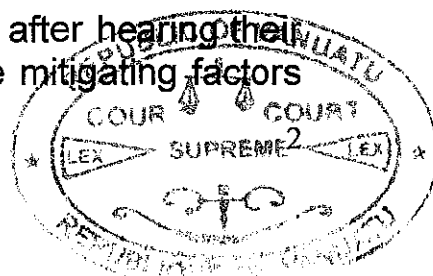


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Counsels. The result was that the Public Prosecutor sought leave to amend the charges. Leave was granted and the charges were amended to include four (4) new charges. The defendants were then re-arraigned and pleaded as follows:-

- Count 1 – Against all the 18 defendants for unlawful assembly contrary to section 69 of the Penal Code Act CAP. 135 (the Act). All the defendants pleaded guilty to this charge.
- Count 2 - Against Kennedy Tabimal for arson contrary to section 134 of the Act. He pleaded guilty to this charge. He set fire to a shed used as toilet.
- Count 3 - Against Jessy Bule for arson contrary to section 134 of the Act. He pleaded guilty to this charge. He set fire to a Church building.
- Count 4 - Against Jimmy Bule for arson contrary to section 134 of the Act. He pleaded guilty to this charge. He set fire to a wooden floor house.
- Count 5 - Against Gandy Tabi for arson contrary to section 134 of the Act. He pleaded guilty to this charge. He set fire to a “nakamal” house.
- Count 6 - Against Andrew Tabi Pakoa for aiding arson contrary to sections 30 and 134 of the Act. He pleaded guilty to the charge. He assisted the burning down of the Church building by pouring kerosene around it.
- Count 7 - Against Ron Tabi, Hamlen Tabi, Jeffrey Tabi, Ron Samuel Bule, Ritch Tabi, Lawrance Tabi, Peter Bule, Kinox Tabi, Isaiah Tabi and Authur Ban for aiding arson contrary to sections 30 and 134 of the Act. They pleaded guilty to the charge. They assisted by removing all personal belongings out of the sleeping houses before the houses were set ablaze.

As a result of the defendants' guilty pleas the Court entered convictions and considered appropriate sentences after hearing their particulars and pleas in mitigation by Mr Toa. The mitigating factors



and personal particulars of each defendant were taken into account in the imposition of these sentences.

The sentence will be divided into three (3) parts:-

- (1) Fines because the defendants' actions, in spite of the fact they were acting on the orders of their chiefs and church leaders, were in direct contravention of the Penal Code Act sections 69 and 134. Fines are alternative punishments because there are no jails on Pentecost. From their personal particulars, these defendants have the means and are capable of paying fines.

I therefore impose a fine of VT20.000 against all the defendants as a group in respect of Count 1. In default, each defendant will be imprisoned for a period of 3 months.

In respect of Count 2, I sentence Kennedy Tabimal to pay a fine of VT8.000. In default, he will be imprisoned for a period of 3 weeks.

In respect of Count 3, I sentence Jessy Bule to pay a fine of VT8.000. In default, he will be imprisoned for a period of 3 weeks.

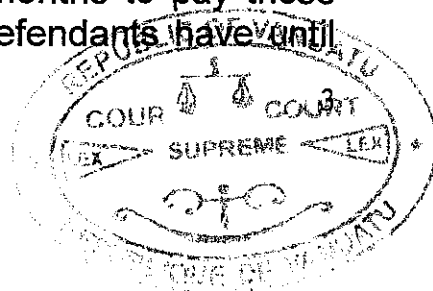
In respect of Count 4, I sentence Jimmy Bule to pay a fine of VT8.000. In default, he will be imprisoned for a period of 3 weeks.

In respect of Count 5, I sentence Gandy Tabi to pay a fine of VT8.000. In default, he will be imprisoned for a period of 3 weeks.

In respect of Count 6, I sentence Andrew Tabi Pakoa to pay a fine of VT5.000. In default, he will be imprisoned for a period of 2 weeks.

In respect of Count 7, I sentence Ron Tabi, Hamlen Tabi, Jeffrey Tabi, Ron Samuel Tabi, Ritch Tabi, Lawrance Tabi, Peter Bule, Kinox Tabi, Isaiah Tabi and Authur Ban to pay a fine of VT20.000 (as a group). In default, they each will be imprisoned for a period of 3 months.

The total amount of fines to be paid by the defendants is VT77.000. They have asked the Court to give them two months to pay these fines. The Court allows their request and the defendants have until



15<sup>th</sup> September 2006 to pay up all their fines. After that date, default provisions will be enforced.

The Court imposes these high fines to act as a deterrence for others because arson and damage to property appears to be coming all too common on Pentecost at this time.

- (2) Costs – The Public Prosecutor seeks costs because the matter was listed for trial and witnesses have been arranged to be available. The Court allows costs in the sum of VT20.000. The defendants have paid VT20.000 as Surety into Court. This amount is now forfeited by the defendants. The Court will pay this sum instead to the Public Prosecutor's Office in due course.
- (3) Compensation – The defendants have made assessments of damages to be in the region of VT166.775. They have proposed to rebuild all buildings that they destroyed. The Court will not order them to rebuild the damaged houses and property. Instead the Court will order the defendants to pay compensation to Chief Bulesanibo in the sum of VT170.000. Again the defendants have asked for time to pay this amount. They have asked for 3 months. The Court allows them 3 months to 15<sup>th</sup> December 2006 to pay the sum of VT170.000 to Chief Vidal Bulesanibo directly.

Those are sentences and orders for costs and compensation issued by the Court.

**PUBLISHED at Luganville this 17<sup>th</sup> day of July, 2006.**

**BY THE COURT**

  
**OLIVER A. SAKSAK**  
Judge

