

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

CRIMINAL CASE No.09 OF 2011

PUBLIC PROSECUTOR -v- GREGORY TARI

Coram: Chief Justice Vincent Lunabek

Counsel: Mr Felix Ngwango for the Public Prosecutor
Mr Tom Loughman for the Defendant

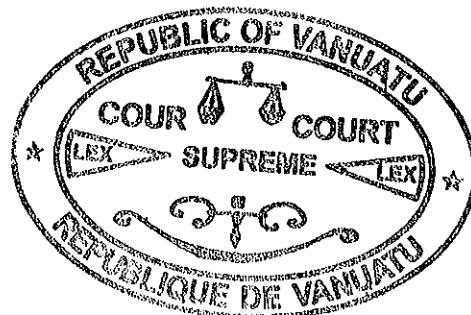
SENTENCE

On 2 March 2011, you pleaded guilty to and convicted on one count of possession of cannabis, contrary to section 2(62) of the Dangerous Drugs Act [CAP.12]. You appear before this Court today for sentence. You are 25 years of age. You originate from a mixed parentage of Malekula and Ambae. You have been graduated with a Degree in Aviation Management in Masei University in New Zealand (2008). What follows are the brief facts of this case:

On the 09th of February 2011 at 16.45hrs at the Parliament Park during the Kymani Marley concert, you were arrested by police officers after being found in possession of cannabis. This is a result of the searches made by the police officers at the entrance of the concert premises on individuals before entering. You were then taken to the police station and were detained in cell #6.

On the 10th February 2011 around 15.46hrs the complainant Smith Wuwut (Police officer) released you from cell #6. At about 15.49hrs police Officer Terry Lapinpal cautioned you and your rights were being read to you. You understood your rights and then you signed.

You were also given a suspect statement in which you admitted the offence and added that you bought the aforementioned illegal substance from some boys at the museum and took it to smoke it inside the parliament park, which is the concert venue.



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The test undertaken revealed on the 5 rolls of dried cannabis leaves confiscated from you is positive. They weighed 1.98 grammes, a minimal amount with no commercial value.

In considering your sentencing, I read and consider the submissions of the prosecution and submissions made by your lawyer on your behalf. I have also the benefit of perusing the pre-sentence report filed by the Probation Services.

Drug offences are serious offences in Vanuatu as reflected in the maximum penalties of Vatu 100 million fine or imprisonment of not more than 20 years or both of them imposed by the Dangerous and Drugs Act [CAP.12].

The judgment of the Court of Appeal in **Naio v. PP** [1998] VUCA1, set out the guiding principle to be followed by the Courts when it was stated to the effect that drug offences are serious offences and the Courts have a duty to take stern measures to discourage and eliminate the incidence of drug use in the community.

The pre-sentence report reveals that although, you know about the laws of Vanuatu you broke the provisions of the Dangerous Drugs Act because you have very strong opinion on cannabis. At pages 2-3 of the report you said:

“Plant ia God hemi givim mo hemi olsem wan kaikai mo hemi no wan posin plant.”

This is a defiance to the whole purpose and intention placed on the Dangerous Drugs Act [CAP.12]. This amounts to a serious aggravation to your offending.

I need to inform you that if you do not like a law, as a Vanuatu citizen, you have the right to approach the relevant authorities to have them removed. You have also the right to take part in the democratic process yourself to have the said law removed. But, while the laws stand as they are, you must obey and comply with them whatever your own opinions of that law.

In mitigation you are currently unemployed. You are living in a defacto relationship with a woman who is in her 8 months pregnancy and she relies on you for assistance and help. You have skills in playing soccer and gardening. You are a first time



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offender and you pleaded guilty at the first opportunity given to you by the Courts.

The cannabis involved in your offending is of minimal amount and of no commercial value.

Upon balancing between the aggravating and mitigating factors, I sentence you to 6 months imprisonment and suspend it for a period of 3 years. This means that you have to behave yourself and get yourself out of trouble even if you do not like certain laws of Vanuatu. If you re-offend during the 3 years suspension period, your sentence of 6 months imprisonment shall be reactivated once you are convicted of the new offence and this shall be in addition to your new sentence.

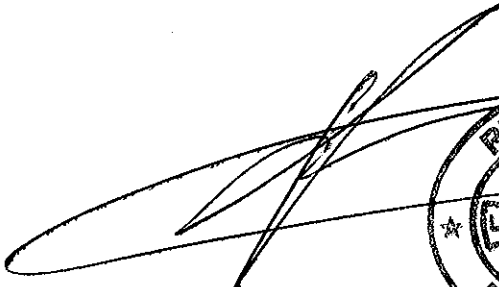
In addition, I sentence you to perform 50 hours community work.

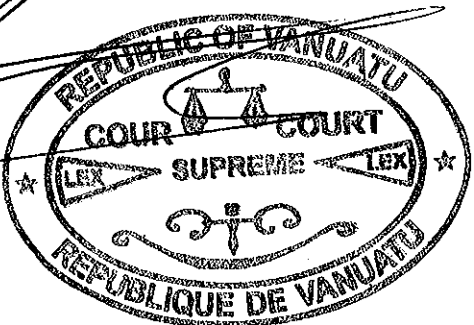
It is separately ordered that the cannabis substance confiscated from you shall be condemned by the police/prosecution by 14 days.

You have 14 days to appeal this sentence if you are unsatisfied with it.

DATED at Port-Vila this 24th day of March 2011

BY THE COURT


Vincent LUNABEK
Chief Justice

The seal of the Supreme Court of Vanuatu is circular. It features a central scale of justice. The text 'REPUBLIC OF VANUATU' is written along the top inner edge, and 'REPUBLIQUE DE VANUATU' along the bottom inner edge. In the center, 'COUR SUPREME' is written above 'COURT SUPREME'. Two small triangles containing the word 'LEX' are positioned on either side of the central text. The seal is flanked by two small stars.