

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

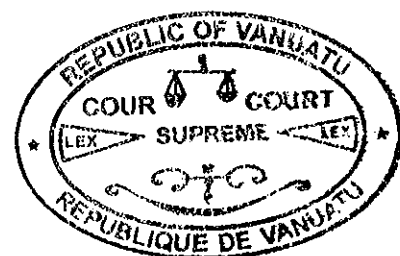
Criminal Case No. 86 of 2010

**PUBLIC PROSECUTOR
-V-
MARKING ALI**

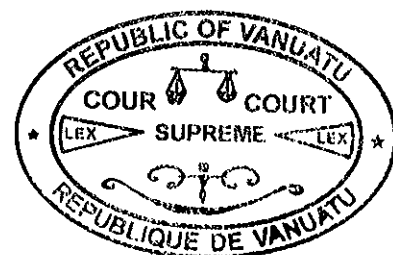
Coram: Justice R. L. B. SPEAR
Date of Sentence: 18 February 2011
Counsel: Mr F Ngwango for Public Prosecutor
Mr H Vira for Accuseds

SENTENCE
18 FEBRUARY 2011

1. Markwing Ali, you are for sentence having been found guilty at your trial on a charge of possession of cannabis. You have no issue with the summary of facts that has been presented by the State and, indeed, it is in accordance with the findings of fact that I made at your trial. You fully confessed to the police that you were in possession of the cannabis that day and the reason why you are in possession of it.
2. In short, you obtained passage on a small vessel from the island of Malekula to Port Vila and you brought with you a bag containing 2.6 kilograms of cannabis. You informed the police when you were interviewed that it was your intention to sell the cannabis in Port Vila to make some money. Not only was this a significant if not substantial quantity of cannabis justifying, by itself, the drawing of the inference that it was for commercial purpose. However, the fact remains that you freely confessed that you had the cannabis to sell.
3. It is always important, when dealing with someone who is involved in the commercial distribution of cannabis, in otherwise a cannabis dealer, that the



- sentence emphasizes the need for deterrence. That is because cannabis is a plague on the young people of so many countries and Vanuatu is one of those countries. The reality is that many lives are ruined because young people become involved in the use of cannabis and it becomes habit forming. You are one of those people.
4. You have beliefs that are totally in conflict with the laws of this country. You believe that cannabis is God's creation and that you are entitled to use it as you wish. If it was only your personal possession and use that the Court was concerned with today, perhaps some leniency could be shown because the only person that you would be harming by using cannabis would be yourself. But you have gone further and become a cannabis dealer.
 5. Furthermore, it is not the first time you have been caught with a commercial quantity of cannabis. In this respect, I have regard to the decision of the Chief Justice of this Court in the case against you and others: ***Public Prosecutor v. Ali & Ors. [2007] VUSC 59; Criminal Case 53 and 83 to 102 of 2006 15 June 2007.*** At the time you are sentenced in 2007, you are just a young man of 19 years of age and a first time offender. The Chief Justice stated then that he believed you were motivated by your misconception of biblical knowledge; which regrettably still seems the case today. You were found in possession of just over a kilogram of cannabis in different sized packages all prepared for the purposes of sale. So you were starting out on a career as a drug dealer then and you received a sentence of 24 months imprisonment.
 6. The amount of cannabis of which you were found in possession on this occasion is over 2 ½ times the amount found with you back in 2007.
 7. I consider that the starting point must be one of 2 years imprisonment and that needs to be lifted by a further year to reflect your previous conviction. That brings us to a sentence of 3 years imprisonment. In my view that is the



minimum period of time, the least restrictive outcome, to this offending that can be considered a proper response by this Court to someone who has committed himself so whole-heartedly to drug dealing.

8. It is simply a matter now for you as to whether you want to spend most of your life in prison rather than out of it. If you want to spend your life out of prison you are going to have to change your cannabis ways.
9. You are accordingly sentenced to 3 years imprisonment less 18 days to be deducted to reflect the time that you have spent on remand in custody.
10. You have 14 days to appeal this sentence.

