

PUBLIC PROSECUTOR

- v -

**JOHN ALI VAVAK
ABEL GEORGE**

*Damien Boe for Public Prosecutor
Saling Stephens for Defendants*

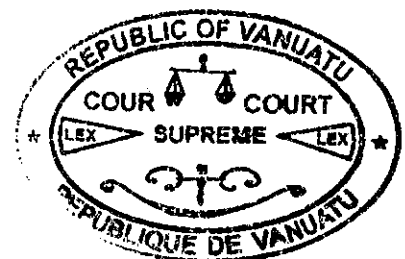
RULING ON NO CASE TO ANSWER

Both Defendant, John Ali Vavak and Abel George are charged with one count of Arson, contrary to section 134(1) of Penal Code Act (Cap 135).

It is particularized that on 12 April 2015, on the Island of Gaua, in the early morning, both Defendants intentionally set fire on the Coprah dock which contained 136 bags of coprah and at that time, both Defendants knew that the dock and the bags of coprah are the properties of another man.

On 1st July 2015, both Defendants pleade not guilty to the offence as charged. A trial was conducted on 1st September 2015 on the Island of Gaua.

The prosecution case is that on 12 April 2015 at 2.00am o'clock, the two above named defendants set fire to the dock containing 136 bags of coprah. The prosecution intends to call George Baama as a witness. It is the prosecution case that witness George Baama will tell the court that on 9th April 2015, he had a discussion with the two Defendants. He will say that the two Defendants told him they will set fire to the dock. He will say that he met John Ali Vavak with a gallon of Benzine. Ali told him that he will set fire to the Dock with the Benzine. On 13th April 2015, he will say that both Defendant told him not to tell anymore.



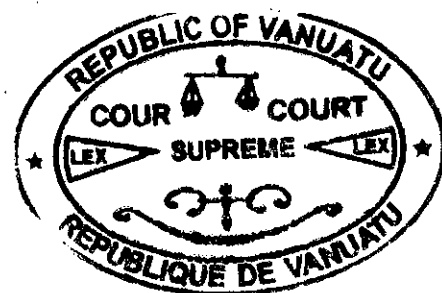
The prosecution has called five (5) witnesses. Salatiel Vavak is the prosecution first witness. He is 45 years of age. The coprah dock is his. He purchased coprah on Gaua Island. He had a contract with Coconut Oil Product Santo Limited (COPSL). He purchased coprah and stored them in his dock waiting for COPSL's ships to take them to Santo oil factory. The dock is made up of local material. There were 136 bags of coprah inside the dock. He estimated their value at Vatu 175,930. He was in Santo when the fire destroyed the dock and its content on 12 April 2015. He does not know who set the fire to his dock.

Mary Vavak is the second prosecution witness. She is the wife of Salatiel Vavak. On 12 April 2015, she was at Gaua island. She was sleeping at 2.00am in the morning when the fire started burning down the dock. The dock is her husband's. She was awoken by the light of the fire in the night. She ran and called her son Samuel. She also called Kamuel Vavak. They ran towards the fire. They could not save any coprah bags. It was too late. They did not know who set the fire to the coprah dock. They asked people as to who set the fire to the dock. They did not know either. They suspected the two defendants set fire to the dock.

Samuel Vavak gave evidence. He is the son of Salathiel Vavak and Mary Vavak. He did not know who set the fire on the dock. He was also suspecting the two defendants.

Kamuel Vavak gave evidence. He is the brother of Salathiel Vavak. On 12 April 2015, he was sleeping. Samuel Vavak told him about the fire destroying the dock. He did not know who set the fire to the dock.

George Baama gave evidence. He lives at Tarsa village with his parents. He is 19 years of age. He attended year 9 at Santa Maria School. He finished school at 3.00PM. He said he did not meet the two defendants. On 11 April 2015, he was at school. He finished school at 3.00PM. He said there were plenty of them. He said he did not meet the two defendants. On 11 April 2015, he was not attending the school. He attended a funeral at the airport. The Defendants did not come see him. He was given a statement he made to the police. He said it was not his statement. He was asked to sign a white paper. He signed it but he said the statement is not his. His oral testimony is contrary to his written statement.

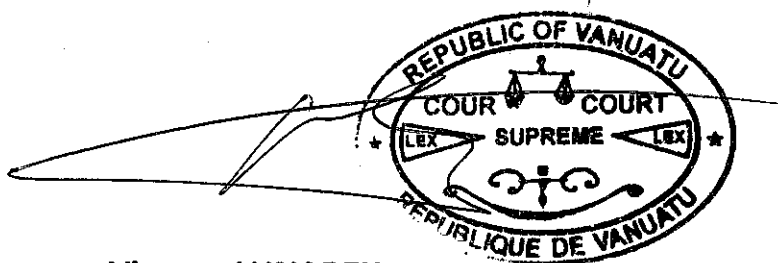


The Defence applies that there is no case to answer as the prosecution fails to prove the charge laid against both Defenants.

The Court grants the application. There is no evidence as to who set the fire on the dock on 12 April 2015. There is no evidence upon which both defendants could be convicted on the charge laid against them.

Both Defendants: John Ali Vavak and Abel George are found not guilty to the charge of arson, contrary to s.134(1) of Penal Code Act. They are discharged and acquitted of the offence of Arson, accordingly.

DATED at Gaua, this 1st day of September 2015



**Vincent LUNABEK
Chief Justice**