

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

**Criminal**  
**Case No. 21/1608 SC/CRML**

**PUBLIC PROSECUTOR**

**v**

**TUIFA NATUKA**

*Date:* 23 July 2021  
*Before:* Justice V.M. Trief  
*Counsel:* Public Prosecutor – Mr K. Massing  
Defendant – Ms F.L. Kalsakau

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**SENTENCE**

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A. Introduction

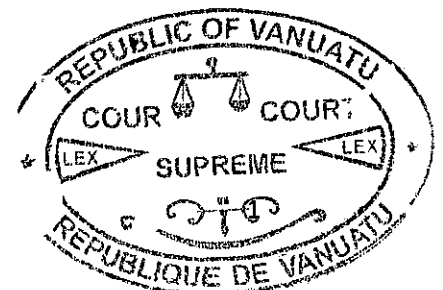
1. Mr Natuka pleaded guilty to one charge each of knowingly making a false declaration (Count 1) and importation of prohibited goods (Count 2). He accepted the summary of facts and was accordingly convicted on his own pleas and the admitted facts.

B. Facts

1. On 23 September 2020, Mr Natuka travelled on a repatriation flight from Auckland to Port Vila. On arrival, Mr Natuka falsely declared on his arrival card that he was not carrying prohibited goods being six false penises.
2. Mr Natuka made full admissions when cautioned and interviewed.

C. Discussion

3. The sentence start point is assessed having regard to the maximum sentences available, and the mitigating and aggravating factors of the offending.
4. The maximum sentences provided in the *Customs Act No. 7 of 2013* are:
  - a. Knowingly making a false declaration – 6 months imprisonment or VT5,000,000 fine or both; and
  - b. Importation of prohibited goods – VT10,000,000 fine.
5. There are no mitigating or aggravating aspects of the offending.



6. Mr Natuka is 26 years old and single. He supports his widowed mother and is a well reputed member of his community. Mr Natuka is an RSE seasonal worker. He is currently unemployed after returning from overseas. He has plans to travel again for work. Mr Natuka is stated to be remorseful for his actions. He cooperated with the Police. He pleaded guilty at the first opportunity. He has no previous convictions.
7. The medical certificate from The Medical Centre stated that Mr Natuka has a medical condition of erectile dysfunction, following penis enlargement injections received in 2020. Mr Natuka confirmed to the pre-sentence report writer that the items brought were for his personal use due to his medical condition and he was not aware that the items were prohibited in Vanuatu. Ms Kalsakau submitted that Mr Natuka attended French primary school and finished school at a very early stage. He therefore found it fairly difficult to read and understand the questions pertaining to prohibited goods.

D. End Sentence

8. Taking all of those matters into account, the end sentences imposed are:
  - a. Knowingly making a false declaration (Count 1) – VT10,000 fine; and
  - b. Importation of prohibited goods (Count 2) – VT5,000 fine.
9. The Police are to destroy the items seized and report back to the Prosecution who will inform the Court that this has been done.
10. Mr Natuka has 14 days to appeal the sentence.

**DATED at Port Vila this 23<sup>rd</sup> day of July 2021  
BY THE COURT**

  
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Viran Molisa Trief  
Judge

