

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

**Criminal
Case No. 23/3142 SC/CRML**

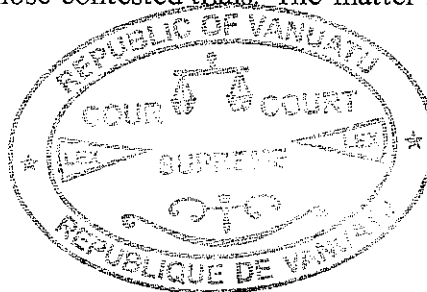
BETWEEN: Public Prosecutor

**AND: Livo Talo, Mala Pongo, Roger Rongo,
Malon Vatu, Rogeri Vatu, Vuti Lolo,
Kalisto Tamaute, Johnsen Willie,
Jimmy Sokara, Alfred George, Jonie
Aru, Junior Paras, Mala Salerua, and
Willie Daniel**
Accused

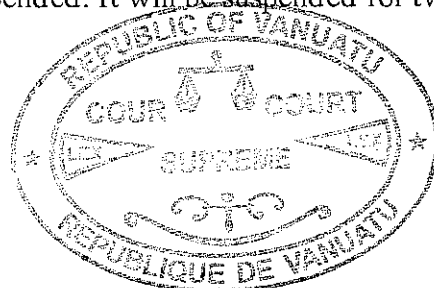
Date of Sentence: 15th day of December, 2023
Before: Justice E.P. Goldsbrough
In Attendance: Simeon, G for Public Prosecutor
Taleo, B for the Accused

SENTENCE

1. Livo Talo, Mala Pongo, Roger Rongo, Malon Vatu, Rogeri Vatu, Vuti Lolo, Kalisto Tamaute, Johnsen Willie, Jimmy Sokara, Alfred George, Jonie Aru, Junior Paras, Mala Salerua, and Willie Daniel, each of you pleaded guilty to an offence of unlawful assembly and riot from 5th October 2020. Kalisto Tamaute, you pleaded guilty to assaulting Willie Atomele on the same day; Rogeri Vatu and Vuti Lolo, you two pleaded not guilty to arson when you set fire to a temporary shelter belonging to Mele Narave and not guilty to setting fire to another temporary shelter belonging to Rachel Lui. Alfred George, Willie Daniel and Mala Salerua, you three pleaded guilty to causing damage to a Mitsubishi double cabin truck. Rogeri Vatu and Vuti Lolo, you two pleaded not guilty to burning the temporary shelter belonging to Fay Vira Mele.
2. Where not guilty pleas are entered, the matters are discontinued. The prosecution has decided not to proceed with those contested trials. The matter is now ended with a *nolle prosequi*.



3. All of this happened on 5th October 2020 at Najingo Point, South Santo. There is an underlying dispute about the occupation and use of land the victims occupy. That, of course, is no reason to take the law into their own hands. The offences were planned and premeditated.
4. Land disputes must be settled without violence or breaking the law. Breaking the law, as was done in this case, solves nothing. Unlawful assembly carries a maximum sentence of three years and riot ten years. Malicious property damage has a maximum penalty of twelve months imprisonment.
5. The maximum prescribed penalties assist the court in deciding the correct sentence for each case when they consider what the crime was about and why it happened. Here, the offences were made worse by the sheer number of offenders and because this attack was planned.
6. There is little which makes the offending less serious. You all indeed have no previous convictions and have all admitted your various parts in the offences. For that, you are entitled to credit. A starting point for these offences is set at two years for the offence of riot and six months for the malicious damage. No separate penalty is imposed for the unlawful assembly as it is part and parcel of the riot. For the assault, a starting point of 12 months imprisonment is set.
7. Your guilty pleas serve to bring the starting sentence down. There is no further mitigation save the fact that this offending occurred more than two years ago, and there is no subsequent incident report. For that, a further reduction is allowed. The guilty plea alone reduces the two years to sixteen months and the further reduction for delay to twelve months.
8. Those of you who took part in the riot, that is Livo Talo, Mala Pongo, Roger Rongo, Malon Vatu, Rogeri Vatu, Vuti Lolo, Kalisto Tamaute, Johnsen Willie, Jimmy Sokara, Alfred George, Jonie Aru, Junior Paras, Mala Salerua, and Willie Daniel you are sentenced for the offence of riot to a period of imprisonment of one year. The Court has considered the nature of the offence and your individual circumstances and believes that the prison sentence may be suspended. It will be suspended for two years. That means



you must stay out of trouble for the next two years, or you may have to serve this sentence. Keep out of trouble for the next two years; you will not need to serve this sentence. In addition, a compensation order is made for property damaged during this riot. In total, that is 250,000 VUV. This is VUV 50,000 for Rachel Lui, 100,000 for Fey Mele and 100,000 for Mele Narave. This compensation must be paid within the next twelve months.

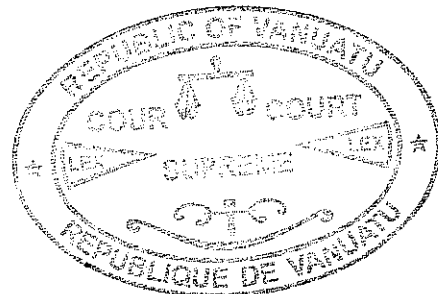
9. For the offence of malicious damage, a sentence of three months imprisonment is ordered. That is in addition to the sentence for the riot. So, in your case, Alfred George, Willie Daniel and Mala Salerua, the sentence is 15 months imprisonment suspended for two years. You must both pay towards the damage to the motor vehicle. You will each pay VUV 50,000 towards the damage and you must pay that within the next twelve months to Vira Mele.
10. For the assault, for which there is a maximum penalty of five years imprisonment, as this was not a particularly serious assault and because you admitted your offence, Kaliste Tamaute, you are sentenced to an additional four months for using the slingshot to injure Willie Atomele. Your sentence is sixteen months imprisonment, suspended for two years. You must also pay compensation to Willie Atomele of VUV 20,000. That must be paid within the next twelve months.
11. In summary:-

Livo Talo, Mala Pongo, Roger Rongo, Malon Vatu, Rogeri Vatu, Vuti Lolo, Johnsen Willie, Jimmy Sokara and Jonie Aru, Junior Paras – 12 months imprisonment suspended for two years

Kaliste Tamaute – sixteen months suspended for two years and VUV 20,000 compensation to Willie Atomele.

Alfred George, Willie Daniel and Male Salerua – 15 months imprisonment suspended for two years and VUV 50,000 compensation to Vira Mele.

A compensation order of VUV 250,000 to householders named above is to be paid by all within the next twelve months.



12. Appeal rights explained. Suspended sentences explained. Default of payment of compensation explained.

DATED at Luganville this 15th day of December, 2023.

BY THE COURT

E P Goldsbrough

**E P Goldsbrough
Judge of the Supreme Court**

