

**IN THE MAGISTRATES' COURT  
OF THE REPUBLIC OF VANUATU**

CR No 315 of 2001

(Criminal Jurisdiction)

**PUBLIC PROSECUTOR**

-v-

**JOSHUA PANKETO**

---

Sentence

The defendant, Joshua Panketo a Cameroon National, is charged with the offence of Control of Entry into Vanuatu contrary to section 11(1)(a) of the Immigration Act.

Mr Panketo was produced before this Court on a warrant. He was remanded in custody for some times to ensure that he is afforded ample opportunity to sought and acquire legal representation either from the Public Solicitors Office or otherwise. I believe the period of time between 9<sup>th</sup> to 27<sup>th</sup> July was sufficiently ample time. Today the defendant entered a guilty plea and conviction is entered.

The brief facts relevant to the charge disclose that you, Mr Panketo arrived in Luganville, Santo on the night of 17<sup>th</sup> May 2001 aboard the MV Southern Cross. Enquiry into your travel documents show that you possessed none to legitimise your entry into the country. While in the custody of the Police you escaped apparently in an attempt to hinder efforts to have you sent back to you previous port of embarkment.

You have informed the Court at length that you are escaping from a repressive regime in your own country. As a soldier in your country, your return might result in Court martial proceedings at the very least if certain elements in the force or the government will allow.

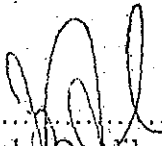
You have indicated you will be interested in seeking assylum in this country.

By virtue of sections 22(1)(1) and (3) this offence carries a maximum penalty of VT 50,000 or imprisonment for one year or both.

I apply my mind to what sentence should be the appropriate sentence. I consider your non-compliance with police custodial measures, however, since the beginning of this saga, you have cooperated with the authorities. You have also pleaded guilty at the first possible opportunity. In considering whether to impose custodial sentence, I note the

situation you find yourself in. A custodial sentence will not only be appropriate but also  
beneficial to you as it will ensure you have a roof over your head, you are fed and you are  
given an opportunity to pursue any application to the authorities in regard to your civil  
status while you are in the country. I therefore sentence you to 6 months imprisonment.

Dated at Port Vila this 27<sup>th</sup> day of July 2002.

  
John O. Afilee  
Magistrate

