

PUBLIC PROSECUTOR -v- WU JONSON T
TIEN JAN
CLARENCE MARAE

Coram : Chief Justice
Helary Toa for the Prosecution
Mr Clarence Marae in person

SUMMONS TO SHOW CAUSE

Having heard Mr Marae in person that he cannot afford to pay this debt because is unemployed and has been unemployed (as some considerable time; and having heard further from him that he can pay for the moment this fine at the rate of Vatu 5,000/month and that there is a real likelihood that he will be able to obtain employment soon and also that he has 2 vehicles that he is able to sell with a joint value of about Vt 700,000 it is ordered as follows :

1. That he be committed to prison for a period of 3 months, but that the said period be suspended on condition that he pays, Vt 5,000 per month starting on the 30th January 1993, and that he should pay the same sum (i.e Vt 5,000 Five Thousand Vatu) on the 30th day of every month thereafter and until the debt is cleared or further order.
2. That he places his two vehicles up for sale forthwith and that the money obtained from such sale be paid into Court to the extend of the outstanding fine and costs, failing the sale of these vehicles.
3. That as soon as he has obtained employment, Mr Marae attending Court to be re examined about his means to see whether he can pay off this fine and costs at a sum greater than the present Vt 5,000 (five thousand Vatu) per month.

DATED at Port Vila this 15th day of January 1993.

.....
CHARLES VAUDIN d'IMECOURT
Chief Justice

IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU

CRIMINAL CASE NO. 10 OF 1989

PUBLIC PROSECUTOR -v- WU JONSON T
TIEN JAN
CLARENCE MARAE

JUDGMENT

You have pleaded guilty to four charges of corruptly accepting bribes from Tien Jan Chui. The fifth charge which you denied is now dismissed on the prosecution having offered no evidence.

Public office brings great rewards but also carries great responsibilities. Those who cannot resist the temptation to profit personally from their positions have no place in public life and it is therefore quite right that your otherwise promising career is at an end.

The Court has a duty to see that you do not profit from your crime, and to deter others from considering following your path. For these reasons you will be committed to prison for two years on each of these four charges concurrent and in addition you will pay fines of Vt 250,000 in respect of each charges.

These fines are not as high as the Court would have imposed were it not for two things, your limited means and the statutory maximum.

This sentence of imprisonment will be suspended for three years. The Court considers that because of your previous good character and the work that you did for your country before you embarked on this dishonesty, as well as the circumstances of these offenses, immediate custody is not necessary.

You will also pay Vt 100,000 towards the costs of this prosecution.

Suspended sentence explained

Appeal rights explained

Time for payment? Vt 50,000 per month

EDWIN GOLDSBROUGH
Acting Chief Justice