

**IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU**

(Criminal Jurisdiction)

Criminal Case No.60 of 1997

PUBLIC PROSECUTOR

-v-

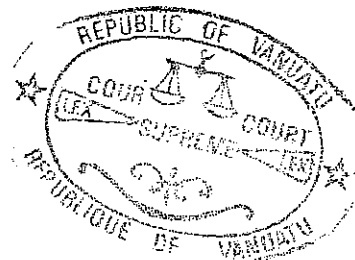
THEODORE SOLONG

Coram: R. Marum J. MBE

*Ms. Carol Singh for the Prosecution
Mr. Stephen Joel for the Accused*

SENTENCE

The defendant pleaded "not guilty" on all counts. On the 5th November 2001, the defendant through his counsel changes his plea from "not guilty" to "guilty" on all counts. The nature of the money, that he is now found guilty off, was money of VT1,000,000 paid out to the Gaua Development Community as assistant project to pay for a truck. The defendant picked up the cheque of VT1,000,000 and deposited it to the Gaua Development Community account with the National Bank of Vanuatu. The next day he started to withdraw money from the account and continued until the 25th September 1995, when he made the last withdrawal. At that time he had no authority to withdraw from the account, except two members of the G. D. C. Every time he withdraws, his houseboy, Arther Haggert was counter signing. On interview, the defendant explained that he got the money to fund his UMP political campaign. He further added in taking the money, because the Government owed his construction company Bohiland Construction some VT1, 500,000.



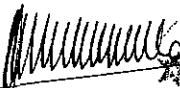
The Court is quite aware that the defendant is a diabetic patient, and continues to live on medication. And the reason for him not attending the Court was due to his continuous illness.

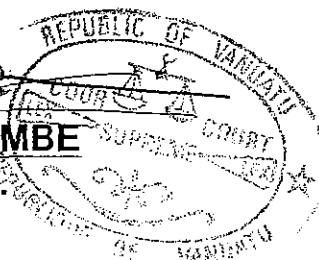
The Court is dealing with a very sick person, fighting for his survival, while on the other hand the money has been lost with no attempt to repay any back. And the G. D. C. has not enjoyed what they have hoped for.

The proper penalty to impose, to struck the balance on both side of the coin is to impose a custodial sentence for all counts and to be suspended for the defendant to repay the VT1,000,000 back to the G. D. C. the money, rightfully theirs.

In sentencing, the penalty for the offence is 12 years as the maximum. In the defendant's case I will impose a sentence of 6 months for each counts and to be served concurrently. All sentences are suspended for a period of 12 months for the defendant to repay the VT1,000,000 to the G. D. C. by 4th December 2002. If the defendant fails to repay by the 4th of December 2002, he shall serve his six months imprisoned for all counts. If he pays, than he shall be of good behavior for a period of 12 months from the 4th of December 2002 and if the defendant is convicted of any offence within that period, he shall serve the term of six months on each count as ordered.

Dated at Port Vila, this 4th day of December 2001.


R. MARUM MBE
JUDGE.

The seal of the Republic of Vanuatu Supreme Court is circular. It features a central emblem with a scale of justice and a book. The text "REPUBLIC OF VANUATU" is written along the top inner edge, and "SUPREME COURT" is written along the bottom inner edge. There are also some smaller, less legible inscriptions within the seal.