

**PUBLIC PROSECUTOR**  
**v**  
**LEONARD NEFTAHAL**  
**COLLEN YET**  
**PETER PAUL YET (also known as BOBBY YET)**  
**JOSEPHO FRANK**  
**ROMARICK LARKIN**  
**ROWE YET**  
**MORRIS YET**  
**JAMES YET**  
**JAMES YARSEL (absconded his bail conditions and went overseas on RSE)**

**Coram:** *Hon. Chief Justice V. Lunabek*

**Counsel:** *S Blessings for the State  
RT Willie for the Defendants*

**Dates of Guilty Pleas:** *16 May 2022 and 26 May 2023*

**Date of Convictions on One  
Count of Arson:** *2 June 2023*

**Date of Sentence:** *19 July 2023*

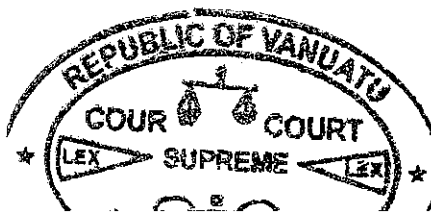
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## **SENTENCE**

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### **A. Introduction**

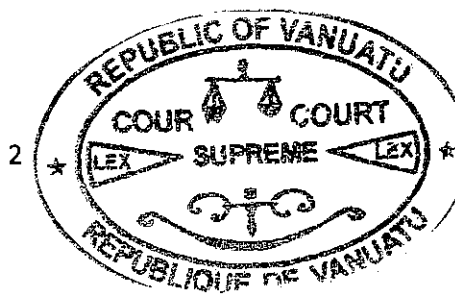
1. Each of the above-named defendants: Leonard Neftahal, Collen Yet, Peter Paul Yet (also known as Bobby Yet), Josepho Frank, Romarick Larkin, Rowe Yet, Morris Yet and James Yet, appears today for sentence upon entering guilty pleas on the offences of:
  - Unlawful assembly (Count 1) contrary to Section 69 of Penal Code;
  - Riot (Count 3) contrary to Section 70 of Penal Code;
  - Malicious Damage to Property (Count 5), contrary to Section 133(1) of Penal Code;
  - And upon conviction entered by the Court against each of them on 2 June 2023 on arson (Count 7).



2. The following six (6) defendants: Josepho Frank, Romarick Larkin, Rowe Yet, Morris Yet, James Yet and James Yarsel, pleaded guilty to the offence of escaping lawful custody (Count 8), contrary to Section 84 of Penal Code on 16 May 2022 at Luganville, Santo. Save Defendant James Yarsel, each other five defendants also sentenced for the offence of escaping lawful custody on 30 September 2021 at Luganville, Santo.
3. Defendant James Yarsel absconded his bail conditions dated 16 May 2022 well before the verdict and sentence of the Court. He shall be required to be dealt with according to law once in Vanuatu. A warrant of arrest shall be issued against him accordingly.

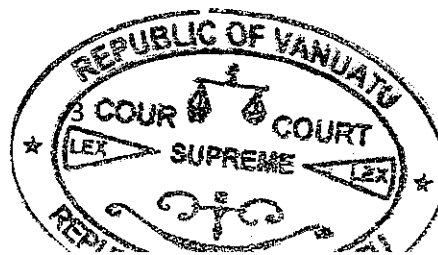
**B. Facts**

4. That the defendants reside in Port-Orly on the East Coast of Santo.
5. That the complainants also reside at Port-Orly Cape de Queiroz.
6. That the defendants assembled on 18 September 2021 at Cape de Queiroz on the East Coast of Santo with intent to commit offences.
7. That on 18 September 2021, their conduct caused the complainants to and nearby persons to fear that they will commit a breach of the peace.
8. That on 18 September 2021, the defendants executed the purposes for which they assembled.
9. That on 18 September 2021, they damaged a water tank belonging to Mr Rovea Lal Weh.
10. That on 18 September 2021, the home and kitchen of Mr Tarat Lal Weh were burnt down.
11. That the following items were destroyed by the fire together with the houses inter alia:
  - (a) 1 solar TV screen;
  - (b) 1 solar panel;
  - (c) 1 role wire;
  - (d) Cash money (notes) in the amount of VT1,000,000;
  - (e) Other cash money;
  - (f) 2 bags cocoa (copra bag);
  - (g) 1 chainsaw;
  - (h) Clothes;
  - (i) 1 carton tuna;
  - (j) 5 packets of torch;
  - (k) Battery;
  - (l) 40 cracker packet biscuits.



12. Collen Yet is the leader of the group of the defendants.
13. Each defendant was present at Cape de Queiroz on 18 September 2021. Each defendant was identified in the vicinity of the houses of Tarat Lal Weh which were burning with smokes and flames. Each defendant was seen and identified running and jumping into the white Bongo Camion and the Red Toyota Hilux belonging to Collen Yet and they returned back to Port-Orly.
14. On 18 September 2021, on their way to Cape de Queiroz to commit the offences of unlawful assembly, riot and damage to property, they came with the two vehicles of Collen Yet and Defendant Josepho Frank went and purchased one liter benzene at Loic Rovou's shop. They then went to Cape de Queiros and committed the offences they admitted and pleaded guilty to.
15. Each and all defendants denied they set fire on the house and kitchen of Tarat Lal Weh on 18 September 2021.
16. On 20 September 2021, two (2) days after the destruction of the house and kitchen of Mr Tarat Lal Weh by the fire, Collen Yet and the other defendants returned with the two (2) vehicles to Cape de Queiroz. They came back and met Mr Tarat Lal Weh and his family at Cape de Queiros, they threatened Mr Tarat Lal Weh and his family with a gun, they told Mr Tarat Lal Weh and his family words to that effect:

*"Youfala ino go yet, mifala ibomem house blong youfala vinis. Bae mifala igo mo come back sipos youfala ino go yet, bae youfala iswim long sitsit blong youfala long place ia".*
17. The effect of this evidence of 20 September 2021 was that Collen Yet and other defendants were identified and found to be responsible for the setting of fire on the house and kitchen of Mr Tarat Lal Weh on 18 September 2021 at Cape de Queiroz.
18. After the commission of the offences by the defendants on 18 September 2021 and after the defendants' threats to Mr Tarat Lal Weh and his family on 20 September 2021 at Cape de Queiroz, Mr Tarat Lal Weh and all his families moved out from their actual residence at Cape de Queiros and went and resided in Port-Orly for their own safety.
19. Between 21 and 29 September 2021 all the defendants went and resided at Cape de Queiroz and, they built a small shelter (Navalva) and stayed there until they were arrested on 30 September 2021.
20. Tarat Lal Weh and Rovea Lal Weh were the complainants and they both lodged their complaints to the police on 19 September 2021.
21. The police officers arrested the defendants on 30 September 2021 and transported them to Luganville.



22. On 30 September 2021 inside the police station, the defendants falsely told the police officers who were in charge of the Cell 6 that they needed to go to the restroom or go to the toilet. When the police officers released them, the defendants run out of the police station into town. They were chased by the police officers. The defendants were caught in the process and were arrested and were taken back to the police station. They were then brought before the Magistrate's Court for their remand. They were remanded in custody on 30 September 2021 and released on bail on 12 October 2021.

### C. Sentence Start Point

23. I reach a sentence start point by considering the maximum penalty set by law in respect to each offence. I consider the factors in the aggravating and mitigating factors of the offending. I consider the prosecution and Defence submissions and case authorities (if any) on comparable cases in order to reach the appropriate highest sentence in the circumstances.
24. Section 68 of the Penal Code (the "Act") defines what is an unlawful assembly and what is a riot. It provides:

*"68. (1) When three or more persons assembled with intent to commit an offence, or, being assembled with intent to carry out some common purpose, conduct themselves in such a manner as to cause nearby persons reasonably to fear that the persons so assembled will commit a breach of the peace, or will by such assembly needlessly and without any reasonable occasion provoke other persons to commit a breach of the peace, they are an unlawful assembly.*

*(2) It is immaterial that the original assembling was lawful if, being assembled, they conduct themselves with common purpose in such a manner as aforesaid.*

*(3) When an unlawful assembly has begun to execute the purpose for which it assembled by a breach of the peace and to the terror of the public, the assembly is called a riot."*

25. Section 69 of the Act prohibits an unlawful assembly. It provides:

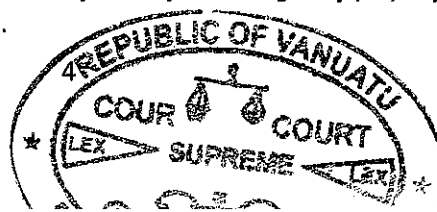
*69. No person shall take part in an unlawful assembly.  
Penalty: Imprisonment for 3 years.*

26. Section 70 of the Act prohibits a riot. It provides:

*70. No person shall take part in a riot.  
Penalty: Imprisonment for 10 years.*

27. Section 133 of Penal Code created the offence of Malicious Damage to Property in that:

*"No person shall willfully and unlawfully destroy or damage any property which to his knowledge belongs to another".*



28. There is no penalty prescribed in the Penal Code for the offence of malicious damage to property. Then, Section 35(3) of the Interpretation Act [CAP. 132] comes to aid this statutory omission. Section 35(3) of the Interpretation Act provides that:

*"Where an Act of Parliament omits to prescribe a penalty for an offence created by the Act or for a contravention of a provision of the Act the penalty shall be a fine of VT5,000 or imprisonments for one year or both".*

29. So, the offence of malicious damage to property carries a maximum penalty of a fine of VT5,000 or one year imprisonment or both a fine and imprisonment term.

30. Section 134(1) creates the offence of arson. It provides:

*"134(1) No person shall willfully and unlawfully set fire to, or damage by means of any explosive, any building or other property whatsoever which to his knowledge belongs to another.  
Penalty: Imprisonment for 10 years.*

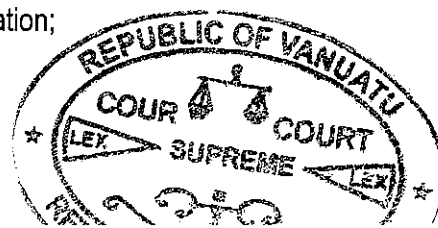
31. Section 84 of Penal Code creates the offence of escaping lawful custody. It provides:

*"No person shall by force rescue or attempt to rescue any other person from lawful custody.  
Penalty: Imprisonment for 5 years.*

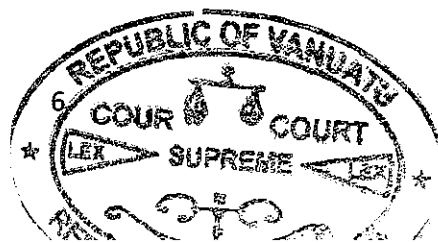
32. The offences committed on 18 September 2021 were committed as part of the same criminal enterprise or transactions. When I assess a sentence start point, I consider a global assessment of the overall criminal activities committed by the defendants on that day of 18 September 2021.

33. In the present case, there are no personal factors to the offending but the following factors aggravated the offending:

- (i) The defendants grouped together to commit these offences;
- (ii) The defendants reacted to comments made by Mr Warsal to then Yetni Yet (now deceased) on 17 September 2021 not to use the seashore as a public toilet as the seashore is a public place. They used the comments as a trigger or excuse or provocation to take the law into their own hands, to firstly confront and verbally abused Warsal and his sister at Mr Warsal's coprah bed on 18 September 2021, secondly to go to Reginald's Palo's house and chased him with knives and slingshots. Before they went to Cape de Queiroz on the same date (18 September 2021) and committed the offences of unlawful assembly, riot, maliciously damaging Mr Rovea Lal Weh's water tank (malicious damage to property), and burning the house and kitchen of Mr Tarat Lal Weh (arson). Defendants used force, aggression and intimidation;



- (iii) Defendants' actions towards Mr Rovea Lal Weh and his father Tarat Lal Weh showed hostility which posed a risk on the victims of having no water to drink or wash and no adequate house to sleep.
- (iv) Defendants used weapons such as knives, mazut and matches became dangerous weapons when used to commit crimes;
- (v) Losses for the victims
- Mr Rovea Lal Weh (Junior):
    - Loss of a water tank of a 1,000 Liters. Cost – VT30,000 plus VT8,000 for transportation to Cape de Quieros;
  - Mr Tarat Lal Weh (Senior) and his family:
    - Loss of the following items by the fire together with the big sleeping house and kitchen:
      - (a) 1 solar TV screen;
      - (b) 1 solar panel;
      - (c) 1 role wire;
      - (d) Cash money (notes) in the amount of VT1,000,000;
      - (e) Other cash money;
      - (f) 2 bags cocoa (copra bag);
      - (g) 1 chainsaw;
      - (h) Clothes;
      - (i) 1 carton tuna;
      - (j) 5 packets of torch;
      - (k) Battery;
      - (l) 40 cracker packet biscuits
    - Loss of big sleeping house and kitchen. Estimated costs of VT7,000,000 and VT500,000 transportation of material to Cape de Quieros.
- (vi) Impact of the crimes on the victims:
- Apart from the huge material loss as above in (vi), the victims experienced emotional distress;
  - Mr Rovea Lal Weh built a temporary shelter for his father and family but yet the shelter could not meet all his father's welfare.



34. The prosecution submitted for an ultimate sentence start point between 5-7 years imprisonment to be concurrent. I take it that it is too high. The Defence submitted for a sentence start point of 2 years imprisonment. I sense it to be too low.
35. I set out a sentence start point for each offence I consider to be appropriate and within the case authorities as follows:
- 2 years imprisonment for unlawful assembly;
  - 4 years imprisonment for riot;
  - 7 months imprisonment for malicious damage to property;
  - 4 years imprisonment for arson; and
  - 2 years imprisonment for escaping lawful custody.
36. These sentences shall run concurrently to each other. This means that each defendant will serve these sentences together and at the same time. Each defendant will have a total sentence start point of 4 years imprisonment. That is the highest sentence of each defendant in the circumstances of this case.

**D. Mitigating Factors**

37. I consider whether each defendant has personal and mitigating factors in order to balance and cross-reference them with aggravating factors to reduce each defendant's sentence start point and to arrive at an appropriate end sentence for each defendant. I consider each defendant's personal mitigating factors individually.

Defendant Collen Yet – the leader of the Defendants

38. Mr Collen Yet, you are 75 years old. In 2021, at the time of the offending, you were 73 years old. You finished your class 5 at Hoggarbour Junior Secondary School back in 1963.
39. You said you had a good relationship with your wife and children. You were previously married to Marie, and you both had six children together. Marie passed away in 2007. You later married Susan, and you both have four children together. You have in total ten (10) sons and two daughters.
40. Despite your old age, you have good physical health. You do farming activities and you acquire farming skills, which enable you to cultivate crops and raise livestock. You sell coprah and some of your cattle.
41. You are a member of the Catholic Church.
42. Chief David Tamrock of Port Orly (sector 1) expressed concerns about the negative influence that you have on the co-offenders and in particular your sons. The chief said you are the leading

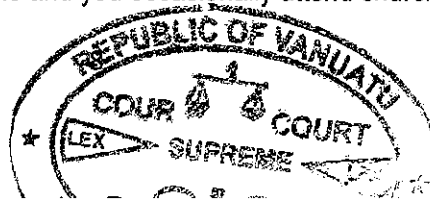


defendant, instigator, teaching your sons negative behaviours. The chief emphasized that the community members of Port Orly village, were afraid of you, Mr Collen Yet and your co-offenders because, the chief said, you often resorted to threats and even used slingshots as weapons to assault individuals walking on the road.

43. Père Manacen SM Benedict reported that you, Mr Collen Yet and your co-offenders displayed threatening behaviours towards visitors at the church. Père Manacen SM stated you and the co-offenders insulted and frightened visitors using abusive language. The catholic priest noted that during the weekly church work of repairing cattle fences, you, Mr Collen yet and your co-offenders did not contribute like other community members.
44. You are a first time offender. You have a clean record and you do not have previous criminal conviction. I give you 3 months allowance to reflect your clean record.
45. You have expressed remorse for your actions and you regretted for allowing your co-offenders to engage in such negative behaviour. You have acknowledged the impact your actions had on the victims and community. I give you also 6 months to reflect your remorse and acknowledgement of your wrong doings and the impact of your crimes on the victims and the members of your community at Port Orly.
46. You pleaded guilty for the offences of unlawful assembly, riot, malicious damage to property and you were convicted on one charge of arson. You are not entitled to the two third maximum (33%) reduction. I allow you 30% reduction of your sentence.
47. Your imprisonment sentence of 4 years (or 48 months) is now reduced to 27 months imprisonment (ie. 2 years and 3 months).
48. Customary reconciliation is unlikely.
49. I will come back to your sentence after I set out the compensation consideration and its assessment.

Defendant Leonard Neftahal

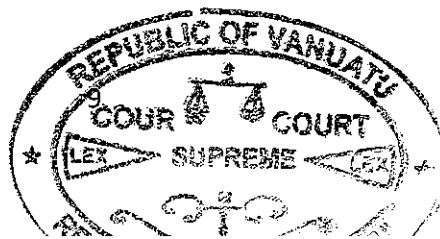
50. You are now 19 years old. You were 17 years old at the time of the offending on 18 September 2021. You reside at Port Orly village with your parents. You completed year 6 education at Port Orly in 2016 but you could not continue your studies due to your parents' financial constraints.
51. Despite this, you possess skills in fishing. You also sell kava and copra hot assist your parents and your family daily lives.
52. You stated to have good relationships with your family, the community, and the chief. You stated also that you actively contributed to your community by helping to look after the church farm.
53. You follow Catholic Church beliefs and you occasionally attend church services.





54. However, your chief, chief David Tamrock, who looked after you and your co-offenders, expressed concerns of your behaviours. Your chief mentioned that you, Mr Leonard Neftahal, and your co-offenders, you failed to assist in community work and you exhibited disrespectful and threatening attitudes towards the community members. Your chief emphasized the importance of safety but he (the chief) noted the lack of respect shown by you Mr Neftahal and the co-offenders, including towards him as your community chief and leader. Your chief stated that your lack of respect made it difficult community-based initiatives, such as community work, to be effective.
55. Catholic Père Manacen Benedict who is responsible looking after the church farm, highlighted that you, Mr Leonard Neftahal and your co-offenders, you are not regularly attending to work to the church farming, you made excuses when it came to assisting with the farm. The Priest also mentioned that you, Mr Leonard Neftahal and your co-offenders, had a tendency to intimidate and use aggressive language towards visitors, thereby, creating an uncomfortable atmosphere in the community.
56. You are a first time offender. You do not have previous conviction. I give you an allowance of 3 months to reflect your clean records.
57. I note you admitted that you were influenced by the other co-offenders to participate in these unlawful activities or crimes.
58. You have expressed regret for following the co-offenders and engaging in such destructive behaviours. You have acknowledged your wrongdoing and you convey your sincere apologies to the victims. You stated you have recognized the negative impact your actions had on the victims, and you specifically mentioned that you are sorry for the harm caused. I give you an allowance of 9 months to reflect your remorsefulness, acknowledging your responsibility for your wrongdoing and your apology to the victims.
59. You pleaded guilty to the offences of unlawful assembly, riot, damage to property and you were convicted on the offence of arson. You are not entitled to the full one third reduction. I allow you 30% reduction of your sentence start point.
60. I give you a further reduction of 6 months to reflect the special fact that you were a youth offender under the influence of other co-offenders in the commission of the offences.
61. Your sentence is now reduced to 18 months imprisonment.
62. I will come back to your sentence when I consider the compensation and its assessment.

Defendant Peter Paul Yet (also known as Bobby Yet)



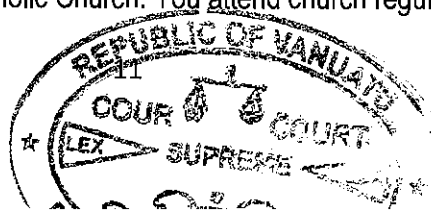
63. You are 26 years old. You are from Port Orly village. You are married to Mrs Viviane Yet. You both have three children. Two of your children attend school at Sainte Anne Primary School at Port Orly and your youngest son is just a year and two months old.
64. You are the fourth child of Mr Collen Yet and Mrs Marilyne Yet. You grew up in a nuclear family of nine (9) persons. Three of your brothers and your own father are the co-offenders to the offences in this case.
65. You left school as a year 6 leaver, you then returned to your community and became involved in agriculture. You were also a diver back at home in 2019.
66. You stated to be a good father to your wife and children. You support your family with daily food and other necessity. You make your earnings from coprah and agriculture. Your wife sells root crops in the market in Port Orly community as other source of your family income.
67. You stated to have developed your skills as a specialist in agriculture. Your future plan in life is to have and own your cattle farm and finding job opportunity in the Regional Seasonal Employment in Australia.
68. You mentioned you have good relationship with your community, as well as your chief. You stated that most of the times, you were engaged with group contracting work and you earned little stipend as extra income for your family.
69. Your chief, David Tamrock, described you and your co-offenders as disrespectful people in your community. Your chief stated that they have been unfaithful in the community work carried out in the community. Your chief said you and your co-offenders disturbed the peace in the community among the members of the community by using abusive language including towards the chief himself.
70. You are a member of the Catholic Church and you attend services occasionally.
71. Port Orly village Priest, Father Manacen SM Benedict said, as he was relocated to Port Orly in Port Vila in 2021, a large area with huge population, he started to know everyone in the village. He was uncertain to your attendance in the church activities. The Priest only mentioned that he viewed one contributing factor in your offending behavior was that your, Mr Paul Yet and your brothers have been influenced by your father's teaching (Mr Collen Yet's).
72. You stated you are a healthy person. You drink kava and smoke tobacco occasionally.
73. You are a first time offender. You do not have previous conviction. I give you an allowance of 3 months reduction to reflect your clean record.
74. You stated you drove your father (Collen Yet) and the other co-offenders to the offending site so that your father could show you the place to enable you and your wife to settle there in the future. It is not accepted that you did not know that all these offences will happen.



75. You stated you regretted to be in the group of the co-offenders who committed the offences. You stated you were wrong to drive them there when all these offences were committed. You stated you were remorseful for the wrongful actions of your brothers causing damages to the water tank. You are willing to help pay compensations to the victims.
76. The report shows that there is no custom reconciliation process made after the incident until now. You, Mr Peter Yet, the reason was that the victims refused to undergo reconciliation ceremony. However, the report shows that your chief David Tamrock stated that your father, Mr Collen Yet, is willing to perform reconciliation but his sons (co-offenders) do not accept to perform peace with the victims. The report shows also that the victims want the court to deal with the case because you, Mr Paul Yet, and your co-offenders had never said sorry or apologise for any of your misbehaviour in the community.
77. Despite what was said above, Mr Paul Yet, you show your willingness to reconcile with the victims and his families in the future if the victims accepted your offer.
78. I give you an allowance reduction of 6 months for your acknowledgment of your wrongdoing, your remorse and your readiness to reconcile with the victims (Tarat Weh Lal Family and Family Warsal).
79. You pleaded guilty to offences of unlawful assembly, riot, damage to property and you were convicted for arson. You are not entitled to a completed one-third reduction (33%) but you will be entitled to 30% reduction.
80. Your sentence is now reduced to 27 months (2 years and 3 months) imprisonment.
81. I will come back to your sentence when I consider the compensation and its assessment.

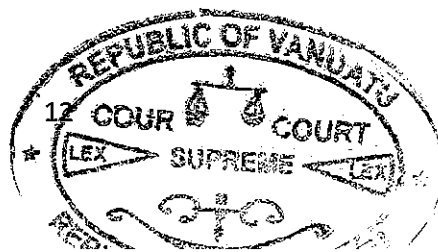
Defendant Josepho Frank

82. Mr Josepho Frank, you are 22 years old. You live at Port Orly village. You are a year 11 leaver at Sainte Anne Port Orly Secondary School. You are the grandson of Mr Collen Yet, the co-offender in this case.
83. You are the eldest child in your family. You have three siblings and the youngest is still pursuing his education. You live with your parents. You support your parents with food.
84. You work in a sawmill company in Port Orly as a driver who delivers timber. You live in defector relationship with Lorenza Wass and you both have a two months old child. You earn wages from your job as a driver to support your family.
85. You state you have good relationship with your families and your chief.
86. You are a member of the Catholic Church. You attend church regularly.

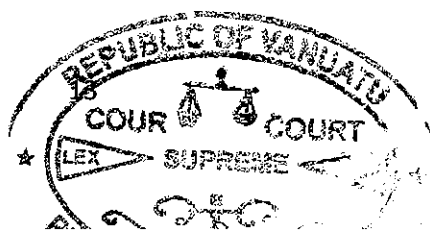


87. Chief David Tamrock of Port Orly (section 1) described you, Mr Josepho Frank, as a young man who disobeyed orders from his chief, and that you used your slingshot to attack people with. In addition, your chief said you failed to carry out the community work the chief assigned to you in the community.
88. Father Manacen SM Benedict could not confirm your participation in church activities as there were many people and he could not identify who they were.
89. You stated you had heart pain but without medical report to verify your health condition. You consume alcohol and tobacco occasionally.
90. You explained your offending that you and the co-offenders planned to visit your grandfather's land at Cape de Quieros. You admitted that you broke the lock pad by hitting hardy and the chain was opened. You all went inside the land and your uncle Rowe Yet damaged the water tank.
91. You further deny your involvement in the burning down of the sleeping house and the kitchen. The court rejects that as you were convicted on this offence with the other co-offenders. The facts are as found by the court against you and other co-offenders.
92. You expressed your remorse on the damage of the water tank. You said you were wrong to be with the group of the co-offenders.
93. There was no custom reconciliation but you are willing to reconcile with the victims in the future if they accepted your offer.
94. I give you a reduction of 3 months to reflect your clean record as you are a first-time offender. I give you another reduction allowance of 6 months to reflect your remorse, your acceptance of responsibility. I take note that you did not apologise to the victims or your community.
95. You pleaded guilty to the offences of unlawful assembly, riot, damage to property and you were convicted on the offence of arson. You are not entitled to a full one-third reduction (33%). I give you an allowance of 30%.
96. I give you a further reduction allowance of 2 months to reflect your young age at the time of offending.
97. Your sentence is now reduced to 27 months imprisonment (2 years and 3 month). You have been remanded in custody from 30 September 2021 to 12 October 2021 which is 13 days already served in re-custody. This re-custodial time will be considered in your favour.
98. I will come back to your sentence after I consider the compensation report and its assessment.

Defendant Romarick Larkin



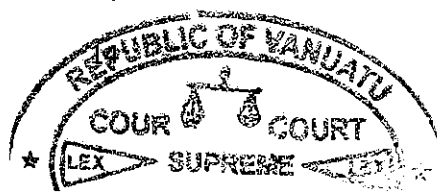
99. Mr Romarick Larkin, you are 24 years old. You are a single male of Port Orly village. You are part of a family of seven children. You live with your parents. You left school as a year 7 student leaver. You could not continue with your studies because of some health issues of getting regular dizziness and headache (it is noted you did not provide a medical report to reflect this).
100. You stated you help your community with the church mission work. You are a member of the Catholic Church of Port Orly. The Priest of the Catholic Church could not confirm you participated to the church mission work but he said you (Mr Larkin) pay visit to his church every Sundays.
101. You work for a sawmill company at Port Orly. You received monthly salaries. You are able to sustain your living through your wages. You want to ensure that your community works well. You want to purchase a vehicle as a transport. You drink kava and smoke cigarettes.
102. Chief David Tamrock stated in respect to your community work that you do not obey the instructions of your chief to participate to the community work.
103. You are a first time offender. I give you 3 months reduction to reflect your previous clean record.
104. The report shows that you have tried to deny the offences you stated you were not involved with the damage of the water tank and the setting of fire on the houses. You tried to justify this by saying that on 18 September 2021, you were with the defendants on the vehicle to Cape de Quieros but they dropped you off on your land before the co-defendants committed the offences.
105. The court cannot accept these. You were legally represented throughout the hearing processes of this case. You are one of the defendants who pleaded guilty to the offences of unlawful assembly, riot, damage to property (water tank), escaping lawful custody and the court convicted you and other co-offenders on the offence of arson (setting fir on the house and kitchen).
106. It is noted there is no remorse, apology or acknowledgment of responsibility of the wrongdoing.
107. You pleaded guilty to the offences of unlawful assembly, riot, damage to property (water tank) and escaping lawful custody and the court convicted you on the offence of arson with other co-offenders.
108. I take it that you may have been influenced by the co-offenders. You have now learned that the actions were criminal offences and they are against the law. I note that you were willing to perform custom reconciliation to the victims but the victims refuse to participate to such custom reconciliation ceremony. I give a further reduction of 6 months to reflect these mitigating factors.
109. You pleaded guilty to the following offences of unlawful assembly, riot, damage to property (water tank), escaping lawful custody and you were convicted by the court of one count of arson. You are not entitled to the full one third reduction (33%). I give an allowance reduction of 30%.



110. Your sentence is now reduced to 27 months (2 years and 3 months). You have been remanded in custody from 30 September 2021 and released on bail on 12 October 2021 which is a total period of 13 days you have already served. This will be taken into consideration in your favour.
111. I will come back to your sentence when I consider the compensation reports and its assessment.

Defendant Rowe Yet

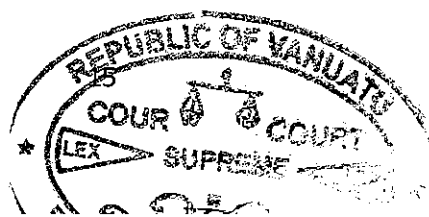
112. You are 24 years old from Port Orly village. You come from a family of 9 children. You are the fifth child. You have six step-brothers and three sisters. You have good working relationship with your family. You live in a defacto relationship with a lady part Ambae/Port Orly. You both have a child of four months old.
113. You are a year seven leaver and you left the school on your own wish. You went to do gardening to help your parents with their daily needs.
114. You are currently employed in a walkabout sawmill and your job is to reap off the trees. You get VT2,000 per tree. Your other means of income is through the sale of lobsters, but only when ordered by the restaurant owners at Port Orly.
115. Your dream was to invest for your children's future in terms of raising money for school fees and medical needs.
116. You are a fit person; on occasion you get chest pain which was usually relieved by antibiotics. You did not give evidence of a medical report in support of this chest pain.
117. You smoke tobacco and cigarettes every day. You said you are under the pressure of your group during times of your drink alcohol.
118. You are a first time offender. You do not have previous convictions. I allow 3 months reduction for your previous clean record.
119. You stated you have learned a lesson as first-time experience when you were detained in a correctional facility. I take it that it was a first and last time for you to fail the criminal law.
120. You stated you lacked insight in that the actions you displayed were against the law as you admitted you damaged the water tank which is the property of another person. I take it that you accept responsibility for your wrongdoing.
121. Mr Rowe Yet said he had purchased a water tank to replace Mr Rovea Lal Weh's water tank he had damaged. I give you 6 months to reflect the above mitigating factors.
122. You pleaded guilty to the offences of unlawful assembly, riot, damage to property, escaping lawful custody, and you were convicted on one count of arson. You are not entitled to a complete one third reduction for guilty pleas. I give you an allowance reduction of 30%.



123. Your sentence is now reduced to 27 months imprisonment (2 years and 3 months). You have been remanded in custody on 30 September 2021 and released on bail on 12 October 2021 which is a total of 13 days you have already served in re-custody period. It will be taken in consideration in your favour.
124. I will come back to your sentence when I consider the compensation and its assessment.

Defendant Morris Yet

125. You are a single man of 23 years old from Port Orly village. You come from a big family. Your father married twice after his first wife died. You have a total of 6 step siblings, 3 step-brothers and 3 step-sisters. The second wife of your father has 7 children. The second wife of your father is your mother.
126. You are a year 7 school leaver. You were involved in subsistence farming and raising few livestock. You sustained yourself financially with the produce of your gardens and sales of your few cattle that you raised.
127. Your dream is to save enough money to build a house and buy a truck before you are thinking of settling down.
128. Chief David Tamrock described you and your co-offenders as "*ol trabol maker blong Port Orly village*". The chief went on to say that the Yet family resides near the main road. Family Yet always made fights with women and children going to school and or to church on Sundays. The chief said this was going on after the defendant were released on bail. The report shows that a correctional officer originally from Port Orly confirmed what Chief Tamrock has stated to the Probation Services. Chief David Tamrock went on to say that the land is not an issue for more people in Port Orly but it is the offender and his co-offenders' behaviour which is the issue.
129. Your denial of the offence of arson is rejected for the reasons that you were found guilty of that offence by the court after a trial based on the facts found and accepted by the court.
130. You are a first time offender. You do not have previous conviction. I give you an allowance of 3 months reduction for your previous clean record.
131. It is noted you express no remorse. It may be that your remorse is through your guilty pleas. You are willing to perform a custom reconciliation ceremony should you are given a change by the victims. I give a reduction allowance of 6 months to reflect this mitigating factor.
132. You pleaded guilty to the offences of unlawful assembly, riot, damage to property (water tank), escaping lawful custody and the court convicted you on one count of arson.
133. You are not entitled to a full one-third reduction of your sentence start point. I give you an allowance reduction of 30%.



134. Your sentence is now reduced to 27 months imprisonment (2 years and 3 months). You have been arrested on 30 September 2021 and released on bail on 12 October 2021 which is a total period of 13 days. It will be taken into consideration in your favour.

135. I come back to your sentence when I will consider the compensation and its assessment.

Defendant James Yet

136. You are a single young man of 20 years old of Port Orly village. You are the youngest son of Mr Collen Yet (offenders' father and co-offender) and youngest brother to Morris Yet (co-offender).

137. You are a class 6 leaver. You stated you were not able to continue your formal education and started raising cattle for money and also doing domestic purposes.

138. Your future is to build a house and purchase yourself a truck before you can settle down and have partner. You have some severe gastric pains (no medical report was exhibited in support).

139. Chief David Tamrock described you and the co-offenders as trouble makers in the village of Port Orly. The chief went on to say that you and the other co-offenders reside near the main road to school and to the church. You and other always caused disturbance to the community members. Your chief stated that you, Mr James Yet, and other co-offenders, you need to learn a lesson that your behavior is not accepted and you have hurt many community members.

140. Your denial of the offence of arson cannot be accepted because you were found guilty and convicted by the court of that offence. You were represented throughout the trial.

141. You are a first time offender. You do not have a previous conviction. I allow you 3 months reduction for your previous clean record.

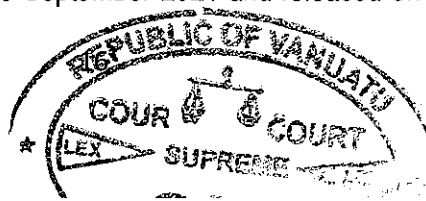
142. It is noted there is no remorse. It may be that your remorse is through your guilty pleas. Your readiness to pay compensation. I give you an allowance of 6 months to reflect this.

143. No custom reconciliation is intended.

144. You pleaded guilty to the offences of unlawful assembly, riot, damage to property (water tank) and escaping lawful custody. The court convicted you on one count of arson. You are not entitled to a full one third reduction for your guilty pleas. You are entitled to a reduction allowance of 30%.

145. You were a young man of 18 years at the time of offending in September 2021. I will give you a special allowance reduction for your young age. I give you a reduction allowance of 9 months.

146. Your sentence is now reduced to 18 months imprisonment (1 year and 6 months). You have been remanded in custody on 30 September 2021 and released on bail on 12 October 2021





which is a total period of 13 days you have already served in re-custody. It will be taken into consideration in your favour.

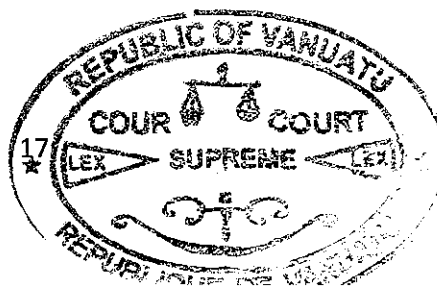
147. I will come back to this later on.

**E. Compensation reports and statements of financial means and sources of each defendant consideration**

148. Mr Rovea Lal Weh sought compensation from the defendants caused to his water tank.
149. Mr Rovea provided details regarding the water tank. The value of the tank was estimated at VT30,000 and it had a capacity of 1,000 liters. The water tank served as the primary water source for his family's daily needs within the community. Mr Rovea expressed the challenges he faced in having to walk 500 meters every day from his home to fetch water.
150. Mr Rovea explained that the transportation costs of the tank from Luganville to Cape de Quiroz, amounted to VT8,000. Taking the monetary aspect into consideration, the total cost of the water tank and transportation came up to VT38,000.
151. Mr Rovea explained that the transportation costs of the tank from Luganville to Cape de Queiroz, amounted to VT8,000. Taking the monetary aspect into consideration, the total costs of the water tank and transportation came up to VT38,000.
152. Mr Tarat Lal Weh is seeking a claim of VT7,5 million to cover the losses incurred, which include a chainsaw, solar TV, 20 pigs' tusks, clothing, beds, and other valuable items. Further Mr Tarat Lal Weh mentioned that he had saved approximately VT1,000,000 inside his house over the years from profits of his store, cattle, cocoa, and garden. That amount of VT1,000,000 was burnt by the fire.
153. Mr Tarat Lal Weh informed that the expenses of transporting the material from Luganville to Port Orly to Cape de Quiroz will be about VT500,000.
154. He emphasized that his store was the sole store which provided the essential supplies to the community in the area.
155. Mr Tarat Lal Weh confided to the writer of the report the emotional impact of the incident, particularly considering his old age and lack of physical strength to rebuild what he had lost.
156. I set out and consider the compensation reports and in particular the statement of financial means and sources of each defendant.

Defendant Collen Yet

Your monthly income items



157. You have a salary (wages) of VT40,000 per month. The income from your business is VT100,000 per month.

Your monthly expenses

158. You stated you have spent VT20,000 per month for rent or mortgage repayments, your church donation/tithing is VT15,000 depending on your income. You spend VT16,000 for food and household supplies. You pay VT100 for your electricity, gas and fuel, VT150 for weekly refill, VT1,000 for clothing and VT7,000 for vehicle maintenance, running and registration.

Your assets

159. You have 3,000 hectares of land; 100 cows; you have two plantations of coconut; you have a sawmill business. You have two (2) vehicles worth VT2,5 million. You have VT40,000 as other property or assets not specified.

Your ability to pay compensation to the victims

160. You stated you are able to pay compensation. You agree to pay VT10,000 per month.

Defendant Leonard Neftahal

Your monthly income items

161. You have a monthly salary/wage of VT30,000. No specific income from business but he stated to ask his family.

Your monthly expenses

162. You paid rent or mortgage repayments of VT10,000. You paid food and household supplies VT5,000, VT300 for electricity, gas and fuel, VT5,000 for clothing, VT5,000 for entertainment and VT2,000 for fares.

Your assets

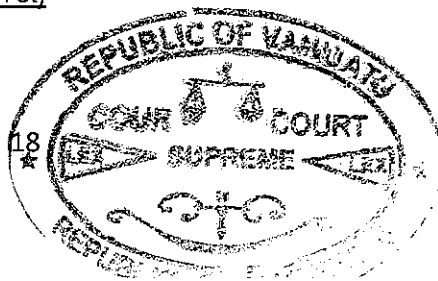
163. You have a livestock for more than 20 cows.

Your ability to pay compensation to the victims

164. You stated you can pay compensation for an amount of VT5,000 per month.

Defendant Peter Paul Yet (aka Bobby Yet)

Your monthly income items



165. You are a self-employed person. You earn an income of VT30,000 to VT40,000.

Your monthly expenses

166. You stated you donated VT5,000 per month to your church. You stated you are ready to repair your house and after that you can save up VT30,000 to VT40,000. You provide VT15,000 for food and household supplies, VT7,000 for clothing, VT5,000 for entertainment and VT1,000 for transport fares.

Your assets

167. Land and building, you said the value is VT40,000. You have a livestock of 2 bullocks worth VT30,000 each VT60,000 for both.

168. You have a coconut plantation with over 1000 heads.

Your ability to pay compensation to the victims

169. You stated you are able to pay compensation of 1 bullock and VT20,000 to pay in 2 installments of VT10,000.

Defendant Josepho Frank

Your monthly income items

170. You have VT40,000 shares in a business with your father.

Your monthly expenses

171. You pay rent/mortgage repayments of VT20,000, you give a donation to your church of VT5,000, you contribute to food and household supplies of VT5,000, VT300 for electricity, gas and fuel, VT5,000 for clothing, VT1,950 for entertainment and VT1,000 for transport fares.

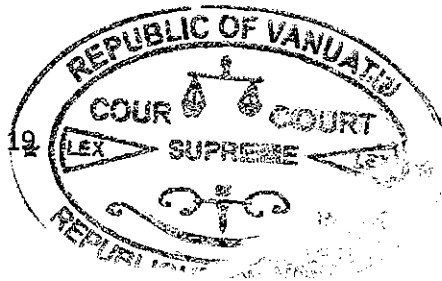
Your assets

172. You have a livestock of 3 bullocks and a coconut plantation. You have a business shares with your father of sawmill and you stated the business has a camion.

Your ability to pay compensation to the victims

173. You stated you are able to pay compensation of VT5,000 per month.

Defendant Romarick Larkin



Your monthly income items

174. You have a monthly salary/wage of VT50,000, you receive income from a business of sawmill; occasionally, you hunt and sell pigs at VT5,000. You gave an estimated total of VT55,000 of your monthly income.

Your monthly expenses

175. You stated you give church donation/tithing monthly of VT20,000; you paid food and household supplies of VT5,000; you paid monthly clothing of VT10,000 and you spent VT2,000 for your transport fares. You gave a total estimate of your monthly expenses of VT37,000.

Your assets

176. You stated you have 800,000 hectares of land (no building). You do not have money in the banks.
177. You have money in the hands of your mother Serah Larkin at home of VT900,000; you have 7 cattle (at VT30,000 per head) which is a total of VT20,000. You gave an estimated total of VT1,910,000 for your assets.

Your ability to pay compensation to the victims

178. You stated you can pay compensation in the amount of VT10,000.
179. Your assets is worth more than the total estimates you provided.

Defendant Rowe Yet

Your monthly income items

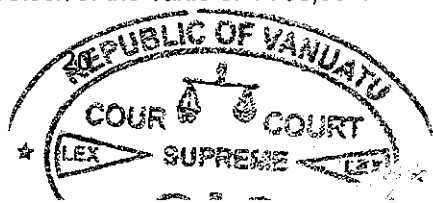
180. You stated that your monthly income is VT30,000. You received a monthly income of VT15,000 from a business, and VT20,000 for sale of lobster. You have total estimate of VT65,000 for your salaries/wages per month.

Your monthly expenses

181. You stated you donate to your church VT1,000, you pay food and household supplies for VT7,000, VT1,000 for electricity, VT2,000 for telephone, VT10,000 for clothing and VT5,000 for transport fares. You provide a total estimate of VT25,000 monthly expenses.

Your assets

182. You stated you have land and building of a value of VT20 million (764 Ha), you have VT40,000 cash that is not in a bank, your livestock of the value of VT60,000.



183. You gave an estimated value of VT20,640,000 of the value of your assets.

Your ability to pay compensation to the victims

184. You state you can pay compensation of VT10,000 per month.

Defendant Morris Yet

Your monthly income items

185. You have salaries/wages per month of VT30,000.

Your monthly expenses

186. You gave church donation/tithing of VT2,000 per month, you pay electricity of VT5,000, VT3,600 for telephone, VT6,000 for clothing everything 2 months, and VT1,200 for transport fares. You gave an estimated total of VT924,100 for your monthly expenses.

Your assets

187. You have 5 cows.

Your ability to pay compensation to the victims

188. You state you can pay compensation to the victims of VT5,000 monthly.

Defendant James Yet

Your monthly income items

189. You have no salary/wages per month. You receive VT30,000 from a business (depending on sales of cattles – sometimes more).

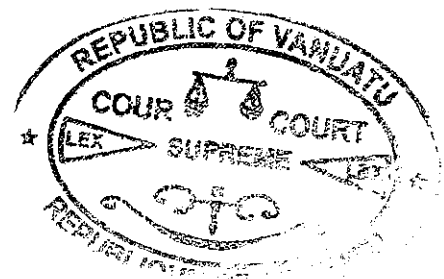
Your monthly expenses

190. You donate to your church VT3,000 per month. You pay VT500 for electricity. You pay clothing for VT7,000 every 2 months. You pay VT12,000 transport fares per month from Port Orly to Luganville. You gave an estimated of VT22,500 for your monthly expenses.

Your assets

191. You have 11 cows in your livestock.

Your ability to pay compensation to the victims



192. You state you are able and you can pay compensation of VT5,000 per month.

**F. Assessment of compensation to the victims**

193. Each defendant agrees to pay compensation to the victims.

1. Water tank of Mr Rovea Lal Weh

194. Defendant Rowe Yet who had damaged Mr Rovea Lal Weh's water tank informed the court he has purchased a water tank to replace the damaged water tank of Mr Rovea Lal.

195. An order will be made to the effect that a new water tank of 1000 liters shall be purchased and transported to Rovea's house at Cape de Queiros or the defendants pay the necessary transport fees to transport the water tank already purchased to Mr Rovea Lal Weh's house at Cape de Quieros within 5 days of this sentence ie by Monday 25 July 2023.

2. House, kitchen and properties such as VT1,000,000 cash, a chainsaw, solar tv, clothing, beddings, 20 pigs tusks and other valuable items of Tarat Lal Weh

196. Each and all defendants are held to be jointly and severally liable for the damage/loss suffered by Mr Tarat Lal Weh and his families as a result of the offences of the defendants including setting fire on the house and kitchen on 18 September 2021 resulting in such damages or losses.

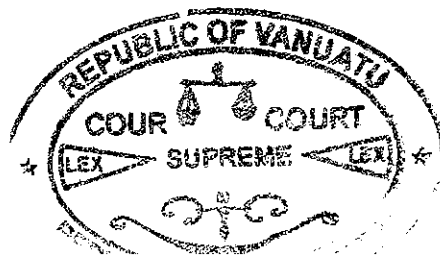
197. I take note that the total amount claimed for compensation by Mr Tarat Lal Weh of 7,000,000 Vatu plus 500,000 Vatu transport costs (7,500,000 Vatu) is an estimated amount.

198. The defence counsel proposes for the total amount of compensation to be reduced to VT2,000,000 – VT3,000,000. I take note of that. But I sense the amount of the compensation of the losses of Mr Tarat Lal Weh will be more than 3,000,000 Vatu.

199. I note the pigs' tusks were referred to and valued. I do not have the exact monetary value of a pig's tusk. I do not know its worth in monetary terms apart from the custom prestige of these pigs' tusks. This leads me to set the total amount of the compensation the Defendants must pay to Mr Tarat Lal Weh and his family to be 6,000,000 Vatu.

200. The following two vehicles which were used by Mr Collen Yet to transport the co-offenders and to travel from Port Orly to Cape de Quieroz and used the two vehicles on 18 September 2021 as a means of committing the offences including arson, shall be confiscated by the Sheriff of the Supreme Court and the police officers for sale by tender or auction toward the compensation for the losses of the house, kitchen and other valuable properties of Mr Tarat Lal Weh:

- Vehicle



White Bongo camion  
Reg.# 9992  
Valued at VT1,200,000

- Vehicle  
Red Double Cabin  
Reg.# S10201  
Valued at VT1,500,000

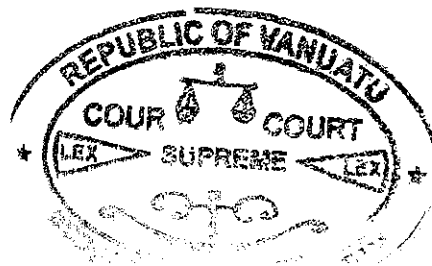
201. The prosecution has sought for an order for confiscation of property under Section 58ZC(1) of Penal Code. Section 58ZC states:

*"58ZC (1) On conviction of any person for a criminal offence, the Court may order the confiscation of any property of the offender which was used as a means of committing the offence ..."*

Section 58ZC (2) provides:

*"Subsection (1) applies to any ship, boat aircraft or motor vehicle used by the offender to travel to or away from the place where the offence was committed".*

202. It was not disputed that the two vehicles "a red Toyota Hilux" and "a white bongo camion" belonged to you, Mr Collen Yet, and you used them to transport the defendants and travelled to Cape de Quieros, you and your co-offenders committed the offences, and you transport them and travelled back to Port Orly on 18 September 2021.
203. An order shall be made to confiscate the two vehicles at the disposition of the Sheriff of the Supreme Court for sale by tender or auction so that the proceeds of sales will be given to Mr Tarat Lal Weh and his family as part of the compensation amounts to be fixed.
204. There was no dispute that the two vehicles "a red Toyota Hilux Double Cabin" and "a White Bongo camion" belonged to Mr Collen Yet or Mr Collen Yet and Yetni yet (once a defendant but now deceased) and Mr Collen Yet used the two vehicles to transport and travel to and away from the place where all of the offences were committed by the defendants on 18 September 2021 at Cape de Quieroz.
205. These two vehicles either owned by Mr Collen Yet or Mr Collen Yet's son's (Yetni Yet now deceased) shall be confiscated and seized by the Sheriff assisted by police officers to take the two vehicles at the premises of the Court at Luganville, Santo.
206. At the time of sentencing and during the sentencing (19 July 2023), the Defence counsel provides a "Memo" to the Court to the following effect: -



- The White Bongo Camion Registration Number 9992 is registered under the name of Collen Yet is still under repair;
- The Red Double Cabin Registration Number 10201 is registered under the name of Late Yetni Yet. It has already been sold to a third party; But the complete payment has not been made and the transfer of ownership is still under Yetni Yet.

207. The total value of the two vehicles is estimated at VT2,700,000.

Assets available from the compensation reports on the financial means and sources of each defendant

208. The following Vatu cash money not held in a bank are available to be paid toward the losses or damages of the house, kitchen and other valuable properties of Mr Tarat Lal Weh:

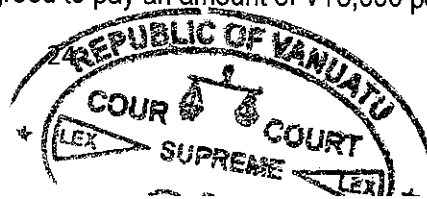
- 1) VT40,000 cash from Collen Yet;
- 2) VT900,000 cash from the assets of Defendant Romarick Larkin which is in the hands of his mother Sarah Larkin;
- 3) VT40,000 cash from the assets of Defendant Rowe Yet.

209. Each defendant has a number of head of cattles, cows or bullocks. The compensation reports show that the defendants together have more than 600,000 heads of cattles, cows or bullocks at VT30,000 per head. The (bullocks) exhibited in the compensation reports show the following:

- Defendant Collen Yet – 100 cows;
- Defendant Leonard Neftahal – 20 plus cows;
- Defendant Peter Paul Yet (aka Bobby Yet) – 2 bullocks;
- Defendant Josepho Frank – 3 bullocks;
- Defendant Romarick Larkin – 7 bullocks;
- Defendant Rowe Yet – 600 bullocks;
- Defendant Morris Yet – 5 cows;
- Defendant James Yet – 11 cows.

210. Each defendant agrees to pay monthly the following for the compensation of the losses, damages of Mr Tarat Lal Weh:

- 1) Defendant Collen Yet agreed to pay an amount of VT10,000 per month;
- 2) Defendant Leonard Neftahal agreed to pay an amount of VT5,000 per month;
- 3) Defendant Peter Paul Yet agreed to pay VT10,000 per month;
- 4) Defendant Josepho Frank agreed to pay an amount of VT5,000 per month;





- 5) Defendant Romarick Larking agreed to pay an amount of VT10,000 per month;
- 6) Defendant Rowe Yet agreed to pay an amount of VT10,000 per month;
- 7) Defendant Morris Yet agreed to pay an amount of VT5,000 per month;
- 8) Defendant James Yet agreed to pay an amount of VT5,000 per month.

211. The Court notes and acknowledges the willingness of each defendant but the assets of each and all defendants together jointly and severally, must be used toward the payment of the compensation amount of VT6,000,000 to Mr Tarat Lal Weh. The Court therefore refused to accept the individual amount suggested by individual defendant above.

### **G. End Sentence**

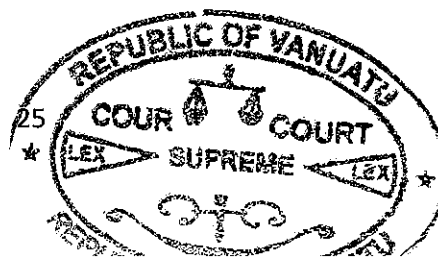
212. The following are the sentences of each defendants:

- 1) Collen Yet – 27 months imprisonment;
- 2) Leonard Neftahal – 18 months imprisonment;
- 3) Peter Paul (aka Bobby Yet) – 27 months imprisonment;
- 4) Josepho Frank – 27 months imprisonment; 13 days already served in re-custody is taken off. Your end sentence is 26 months and 17 days.
- 5) Romarick Larkin – 27 months imprisonment; 13 days already served in re-custody period is taken off. Your end sentence is 26 months and 17 days.
- 6) Rowe Yet – 27 months imprisonment; 13 days already served in re-custody is taken off. Your end sentence is 26 months and 17 days.
- 7) Morris Yet – 27 months imprisonment; 13 days already served in re-custody period is taken off. Your end sentence is 26 months and 17 days.
- 8) James Yet – 18 months imprisonment; 13 days already served in re-custody period be taken into account in your favour.

### **H. Consideration of whether or not to order full or partial suspended imprisonment sentence**

213. The Court considers the relevant provision of Section 57 of Penal Code. The Court considers that the defendants must serve their imprisonment sentences to reflect the seriousness of the offences. The Court is also aware that Mr Tarat Lal Weh, as an old man of 75 years, needs to receive compensation for his losses so that he can continue with his life. I decide to suspend each sentence after each Defendant has served two third of his imprisonment sentence to allow each defendant to pay the compensation to Mr Tarat Lal Weh for his losses. But I decide to fully suspend the imprisonment sentences of two defendants: Leonard Neftahal and James Yet as they were youth offenders at the time of the offences.

214. Save for defendants Leonard Neftahal and James Yet, each Defendant shall serve the two third of his sentence and the balance be suspended for a period of 2 years. This means that:



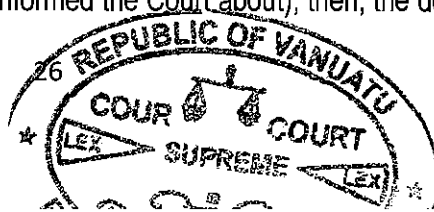
- 1) Collen Yet shall serve 18 months imprisonment and the remaining 9 months shall be suspended for a period of 2 years;
- 2) Leonard Neffahal's sentence of 18 months imprisonment be suspended for a period of 2 years;
- 3) Peter Paul (aka Bobby Yet) you shall serve 18 months imprisonment and the remaining balance of 9 months shall be suspended for a period of 2 years;
- 4) Josepho Frank shall serve 17 months imprisonment and the remaining balance of 9 months shall be suspended for a period of 2 years;
- 5) Romarick Larkin shall serve 17 months imprisonment and the remaining 9 months shall be suspended for a period of 2 years;
- 6) Rowe Yet shall serve 17 months imprisonment and the remaining balance of 9 months shall be suspended for a period of 2 years;
- 7) Morris Yet shall serve 17 months imprisonment and the remaining balance of 9 months shall be suspended for a period of 2 years;
- 8) James Yet's sentence of 17 months and 13 days imprisonment is suspended for a period of 2 years.

215. During the suspension of part or full terms of your respective sentence of imprisonment, you must stay out of crime and be a good citizen. If any commit a crime during the suspension part of his imprisonment sentence, he shall be dealt with according to law for the new offence and, in addition, he shall serve his sentence or part of his suspended sentence imprisonment sentence.

#### **I. Compensation**

216. The Court makes an order for compensation to the victim (Mr Rovea Lal Weh) and to the victim Mr Tarat Lal Weh to this effect: -

- (1) That each and all defendants jointly and severally shall purchase a water tank of 1000 liters for the water tank they damaged during their commission of offences on 18 September 2021 at Cape de Quieroz. They shall provide the water tank to Rovea Lal Weh's house at Cape de Quieroz within 5 days from this sentence i.e. by Tuesday 25 July 2023;
- (2) In the alternative, if a water tank of 1000 liters has already been purchased by any of the defendants (as Mr Rowe Yet informed the Court about), then, the defendants jointly and

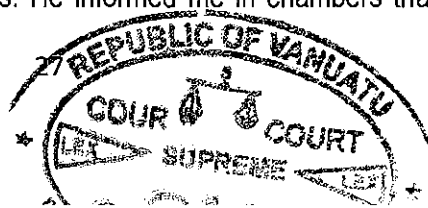


severally shall transport the water tank in question to Mr Rovea Lal Weh's house by Tuesday 25 July 2023;

- (3) The Court makes an order for compensation in the sum of 6,000,000 Vatu in favour of Mr Tarat Lal Weh for the compensation of the losses/damages of his house, kitchen, properties including a chainsaw, cash VT1,000,000, solar TV, and valuable properties referred to in his claim within one (1) year from this sentence;
- (4) That, as part of the execution of this order, the two vehicles belonging to Mr Collen Yet and late Yetni Yet, namely, a White Bongo camion registration number 9992 and a Red Toyota Double Cabin registration Number S10201 shall be confiscated and seized by the Sheriff and police officers for sales by tender or auction and the proceeds of sales shall be paid to Mr Tarat Lal Weh within 6 months;
- (5) In the alternative, that, once the white Bongo Camion is fully repaired and the cost aid by Mr Collen Yet, it shall be delivered to the sheriff of the Supreme Court and sold by auction or tender and the proceeds of sales shall be aid to Mr Tarat Lal Weh and family as part of the compensation of 6,000,000 vatu for their losses; And that, the contractual arrangement of the sale of the Red Double Cabin vehicle that has already been sold to a third party be maintained; and that, Mr Collen Yet and or any of his sons or family member or agent who received the proceeds of the sale of the red double cabin, shall pay the proceeds of the sale of that Red Double Cabin vehicle to the Sheriff of the Supreme Court so that the Sheriff can properly account for the money received and give that money to Mr Tarat Lal Weh and his family as part of compensation of their losses;
- (6) That, as part of the execution of this order, the following money cash: -
  - Cash VT40,000 in the assets of Collen Yet;
  - Cash VT900,000 in the assets of Defendant Romarick Larkin in the hands of his mother Sarah Larkin;
  - Cash VT40,000 in the assets of Rowe Yet

Which is a total of cash 980,000 vatu, shall be seized and confiscated by the Sheriff of the Supreme Court with the assistance of police officers and paid to Mr Tarat Lal Weh as part of the compensation for his losses by Tuesday 25 July 2023. The Sheriff of the Supreme Court shall keep proper records of this confiscation proceedings;

- (7) That, as part of the execution of this order, the balance of the compensation amount of 6,000,000 Vatu shall be paid jointly and severally by each and all defendant within 12 months from this sentence through the sales of their heads of cattle, cows and bullocks as detailed in the compensation reports of each defendant filed in this case;
- (8) Few minutes before the Court delivers the sentences of each defendant, the Defence Counsel, Mr Rollanson Willie, requested to see me with the prosecuting counsel, Mr Gregory Simeon, in chambers. He informed me in chambers that the defendants are

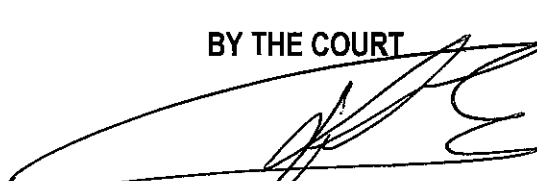


ready, willing to give to Mr Tarat Lal Weh and his family land of 20 hectares to compensate the losses of the house, kitchen and other valuable properties destroyed by fire caused by the criminal actions of the defendants on 18 September 2021. The said land is worth 300,000vatu per hectare which is equivalent to an amount of 6,000,000 vatu. It is an option for compensation. It is a matter for Mr Tarat Lal Weh and his family to consider and decide whether to accept the offer of the donation of custom land or not;

- (9) If the offer of the defendants of the donation of a land of 20 Hectares is accepted by Mr Tarat Lal Weh and his family, they must inform the Sheriff of the Supreme Court of Vanuatu in writing of their acceptance of the offer of that donation of land as a complete and final settlement of the total amount of compensation of 6,000,000 vatu by the defendants jointly and severally.
217. In relation to respective imprisonment sentence of each defendant (save for defendants Leonard Neftahal and James Yet), the terms of imprisonment is effective after 14 days from today's date. That is by Tuesday 3 August 2023. If you elect to start your imprisonment sentence earlier, you can start today. However, by 3 August 2023, each of you shall start his imprisonment sentence.
218. The Correctional Service officers are to manage and monitor the date each of you starts to serve his imprisonment term. If any defendant fails to start serving his terms of imprisonment on 3 August 2023, the Correctional Officers can apply directly to the Supreme Court or ask the Public Prosecution Office to apply for a warrant to arrest any defendant, and to bring him directly to the Correction Services Centers to start serving his sentence.
219. You have 14 days to appeal this sentence if you are unsatisfied with it.

**DATED at Luganville, Santo, this 19<sup>th</sup> day of July, 2023**

**BY THE COURT**

  
Hon. Chief Justice V. Lunabek

