

PUBLIC PROSECUTOR

-v-

NUMANIAN IAKIS
SAMUEL POSAN
IALU NEREP

SENTENCE

This is one of the most gruesome and cold blooded killing that it has been my painful duty to try in Vanuatu. I have no doubt that Numanian was picked upon by his two co-defendants and incited to kill Emilienne exactly because, as Mr Hakwa said, he was the only one of the group actually capable of carrying out the task. This if anything aggravates the circumstances as far as Posan and Nerep are concerned.

I am also satisfied that they all went down to the creek on the 10th May of this year, not in order to have a picnic as claimed or in order to initiate two young men in the tradition of kava drinking, but in order to carry out some form of custom devil ceremony in order to encourage and incite Numanian to kill Emilienne. I do not accept that this was a quiet picnic at which a plot was hatched only after the drinking of kava. From what I have heard in this case, it was a deliberate meeting at which Numanian was encouraged to go and kill his victim.

It is urged upon me that I should bear in mind that custom is very strong in Tanna and that somehow, I should make some form of allowance for that fact. I cannot take that into account at all or make any exception for Tanna on that basis or at all. Women are not animals or a piece of property one can just dispose of as one pleases or when one has had enough of them. I do not accept that any custom of Vanuatu would entitle anyone to kill a woman simply because there is a disagreement between her and her husband or his family. I do not accept that custom regards the ending of a life in cold blood, as right. I do not believe either, that what is wrong in law is right in custom. In all societies around the world, however primitive, life is sacred and the instinct is to preserve life and death by unlawful killing is regarded with repugnance. I do not accept that it is different in Vanuatu or in Tanna, nor can I condone it simply because this is Tanna.

I am told that there has been some form of custom ceremony in this case in which the husband of the deceased received considerable custom payments, including the gift of a 10 year old girl, from the killer's family who is himself closely related to the husband, because his wife was killed. If what I have heard in this case is true, it is extraordinary that he should have received anything at all, as it would appear that he was behind the killing of his wife himself. Furthermore, not long ago I tried the husband for the rape

of his sister in law. Although he was acquitted of that offence on that occasion because I could not be sure in accordance with the law, I did nevertheless form the view that he was a totally immoral and improper person and unfit to hold the rank of pastor of a religion, and said so at the time. I did not think for one moment that he would be given the custody of a child, if I had known about it, and from what I have heard in his case, I would certainly have said that he was and is also totally unfit to look after a young girl.

I have given considerable thought to this case. Women in Vanuatu need all the protection they can get from the courts. Men must at all cost be discouraged from using violence against women. They must learn that under the law of this country, women are their equals and are entitled to the same protection under the law.

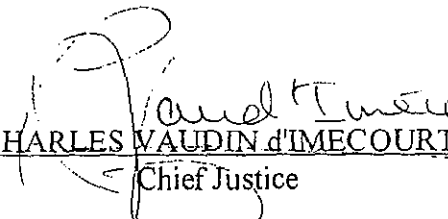
From what I have heard, this woman was killed for no other reason but greed and revenge. Revenge, because it was felt she was responsible for her husband being in custody at the time. Greed, because it was thought that she was taking the business away from her husband and his family. After all, she had obtained an injunction against them, which meant that Numanian had lost his job.

The killing of Emilienne by Numanian was a planned, cool and deliberate murder. After spending some time sharpening his bush knife like a sword in order to kill her with it, he waited for the coast to be clear before he went into her store and knifed Emilienne through the heart with it. He knew where the heart was and aimed at it with the knife quite deliberately. He admitted as much to me in his evidence. Knowing very well that if he aimed there it would kill her. He then stood there making sure that she was dead before leaving, having committed this atrocious deed in the presence of her young son who watched on helplessly in total terror.

Having taken into consideration everything that your counsel has said on your behalf, for this deliberate planned killing, I sentence you to life imprisonment. Furthermore, I make this recommendation, namely that you should not be released before at least 20 years have elapsed. I do so because I take the view that you are a very dangerous man quite capable of killing again if the occasion arose again or if the price was right.

You Posan and you Nerep, I have no doubt that you picked on Numanian to kill this woman, exactly because of all the people you knew, he was the only one you were sure would carry out this dreadful deed. There is little if any mitigation as far as you are each concerned. Bearing in mind as I do, fully, everything that your counsel has urged upon me on behalf of each of you, the least sentence I feel able to pass upon you for your participation in this crime is a sentence of 15 year's imprisonment as from today.

Delivered at Isangel, Tanna this 19th day of August 1994.


CHARLES VAUDIN d'IMECOURT
Chief Justice

