

**IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU**
(Criminal Jurisdiction)

Criminal Case No. 39 of 2009

PUBLIC PROSECUTOR

-V-

KALORIS KALI

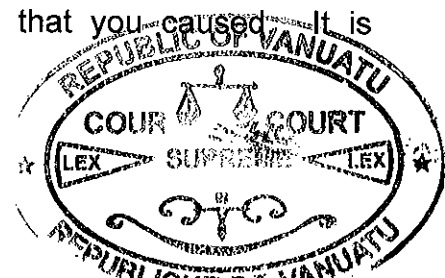
Coram: Justice N. R. DAWSON

Date of Sentencing: 18th June, 2010

*Counsel: Mr. G. Takau for Public Prosecutor
Mr. T. Loughman for Accused*

SENTENCE

1. Mr. Kaloris Kali appears in Court today for sentencing on the charge of intentional homicide. The deceased person was the daughter of Mr. Kali.
2. Early in the morning of 7th September, 2004 Mr. Kali, his wife and family, including the deceased were sleeping inside their house. The defendant heard his daughter open the door of the house and leave. He got up and followed her, thinking that she was going to the toilet. She went in a different direction and he followed her down the road. He was angry as he believed that she was going to see a boy. He walked up to the deceased grabbed her by the neck and squeezed her neck. He also punched her on the left side of the head and continued to squeeze her neck with both hands and stopped her from breathing. The deceased tried to struggle but could not prevent the defendant from continuing to throttle her. After she stopped struggling the defendant then also squeezed her vagina and then carried her to another place where he left her after hitting her with a piece of wood on her back.
3. Mr. Kali I have read the submissions from the Prosecution and also from your defence counsel. I have also the opportunity to read and consider the Probation Report that has been filed on your behalf. In sentencing you it is necessary to hold you accountable for the harm that you caused. It is



necessary for me to denounce your behaviour. Killing another person is always an abhorrent crime. Your sentence needs to reflect the gravity and the seriousness of your offending.

4. There are aggravating features to your offending, the first is the abuse of trust. You killed your daughter. Your daughter is someone who should have been able to look to you for protection, not as a person to be a danger to her. The victim was also very vulnerable, in that she was not able to protect herself from you and I note that she was also pregnant at the time that you killed her.
5. In mitigation you have no previous convictions on your record and you are a man of 56 years of age. You have also offered a reconciliation ceremony. It is not able to be said that you are remorseful for what you have done as you continue to deny the offending.
6. For a crime of this nature an appropriate starting point would be a term of imprisonment of 7 years imprisonment. I take into account the aggravating factors I have mentioned, and it would be appropriate to increase that by 1 year to make a term of imprisonment of 8 years. After then allowing for the mitigating factors I have mentioned and also what appears to be some institutional delay in having your matter brought to trial, I will make a deduction of 1 year.
7. You are therefore convicted and sentenced to a term of imprisonment of 7 years. I note also that you have already served 2 months imprisonment while on remand and therefore you have a balance of 6 years and 10 months to serve as from today.
8. You have the right to appeal this sentence. For any appeal you must lodge a notice of appeal within 14 days of today's date.

Dated at Port Vila, this 18th day of June, 2010

BY THE COURT OF VANUATU
COUR SUPREME COURT
LEX SUPREME LEX
N. R. DAWSON
Judge
REPUBLIQUE DE VANUATU

