

PUBLIC PROSECUTOR

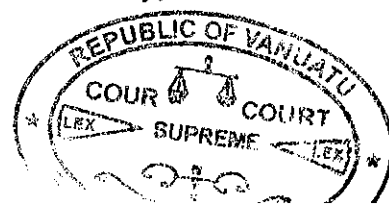
V

JEAN JACQUES NIRUA

Sentence: 2 August, 2013
Before: Justice Robert Spear
Appearances: Ken Massing for the Public Prosecutor
Andrew Bal for the Defendants

SENTENCE

1. Jean Jacques Nirua, you are for sentence having pleaded guilty to one charge of causing damage to property being an offence under section 133 of the Penal Code. It carries a maximum penalty of a fine of Vt 5,000 or imprisonment for one year or both.
2. There is no dispute taken to the summary of facts provided by the prosecution; brief as that summary is. It appears that your younger brother had been subjected to some bullying or violence from a group of youths. It is said that they were from the same island as you were from namely Tanna. You decided to exact some form of retribution not on them but on one of their relatives; the complainant in this case. You entered onto his property which was a house with some renting rooms. The detail as to exactly what damage you caused is not specified but I understand from hearing from Mr Massing that it consists of breaking doors and louvered windows.
3. You were of course originally charged with unlawful entry and arson but those charges were not pursued. There is also no estimate of damage and so it makes it impossible for the Court to consider an order for compensation.
4. I note from the pre-sentence report that you are remorseful for what you had done and that, while you were prepared to undergo a custom reconciliation ceremony, that is not



been achieved because of some diffidence on the part of your father. He prefers to leave matters to the Court.

5. It is difficult for me to assess the seriousness of this offending given the disturbing lack of detail as to damage caused by your actions. In the end, it is for the prosecution to present those facts to the Court and it has not done so on this occasion.
6. What I need to tell you, however, is that you must not take the law into your own hands. If you considered that your younger brother was being bullied or subjected to violence from a group of youth then the proper course is to report that to the police. You may not have much confidence in the police but that is the proper authority to seek help from rather than to seek revenge yourself.
7. I will deal with you by a combined order of community work and supervision.
8. You are sentenced to carry out 100 hours community work. You are placed under supervision for 12 months with the special condition that you undertake a custom reconciliation ceremony that will be organised under the guidance of your probation officer. You will also pay any amount in compensation for the damage you caused that may be agreed at that custom reconciliation ceremony.
9. You have 14 days to appeal this sentence if you do not accept it.

BY THE COURT

