

**BETWEEN:** Public Prosecutor

**AND:** Paul Telukluk  
Arnold Prasad  
Sebastien Harry  
Jean Yves Chabod  
Defendants

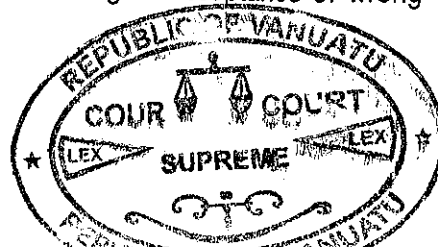
*Date:* 23 October 2018  
*Before:* Justice G.A. Andrée Wiltens  
*In Attendance:* Mr J. Naigulevu for the Public Prosecutor  
Mrs M. Nari for the Defendants

---

**SENTENCE**

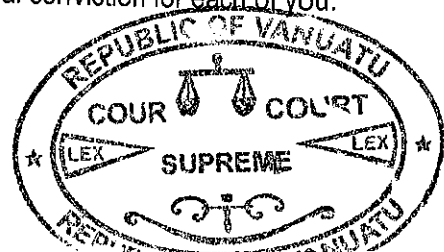
---

1. In my decision of 13 June 2018 when sentencing Mr Pipite, Mr Yatan, Mr Nari, Mr Amos, Mr Laken and Mr James, I set out very clearly and at some length my reasons for their sentences. I am confident that you are fully aware of those sentencing remarks – not only were you in Court at the time, but as they relate directly to your own circumstances it is inconceivable that you are unaware of the sentences imposed and the reasoning behind that. I see no merit in repeating myself.
2. I set the start point for the offending for each of those defendants at 5 years imprisonment for the reasons then articulated. I adopt the same starting point for each of you on the basis of parity and consistency of sentencing. In very many ways each of you is in the same category as those already convicted.
3. The main difference between each of you and those already sentenced is that each of you do not have available as mitigation the factor of a guilty plea indicating an acceptance of wrong-



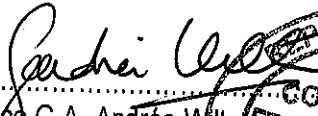
doing and some remorse. Those sentenced were each given the benefit of a reduction from their sentences of 15% due to their pleas. That is not available for each of you.

4. I have read the submissions filed on behalf of each of you. Much of that deals with the issue of your convictions – something that has no part in a sentencing exercise. What I was looking for was possible mitigation available due to your personal circumstances. As there was very little available in your submissions, I caused PSR's to be prepared, which unfortunately delayed sentencing until today. However, the Court is now much better informed and in a better position to deal with your sentencings.
5. In terms of a sentencing exercise where serious offending has been perpetrated, the Courts have persistently made it clear that an offender's personal circumstances cannot be a significant mitigating factor. That said, I take into account that each of you has made contributions to Vanuatu by dint of your service as Members of Parliament, and two of you as Ministers for a substantial period. I take into account that each of you has served 2 months incarceration. I accept each of you is married and has strong community ties. Those factors are common; but there are some individual factors that require you to not all be sentenced in exactly the same manner.
6. Mr Telukluk, I reduce your final sentence due to your personal mitigation factors by 9 months to an end sentence of 4 years 3 months imprisonment. I do so taking into account the fact that you are 72 years of age, and not in good health. I note that your wife also has serious health issues, which impacts on the sentence. I also note that you have undertaken custom reconciliation and are willing to do so again – an indication of some remorse.
7. Mr Prasad, I reduce your final sentence due to your personal mitigation factors by 6 months to an end sentence of 4 years 6 months imprisonment. You are aged 56 and are receiving treatment for diabetes. It appears you have engaged in some custom reconciliation ceremony, but it is unclear whether that was in relation to this offending or the corruption matters.
8. Mr Harry, I reduce your final sentence due to your personal mitigation factors by 8 months to an end sentence of 4 years 4 months imprisonment. I do so due to the fact that at the relatively young age of 32, you have a wife and 8 children to support – and your family will no doubt struggle while you serve this sentence. You have some minor health issues; and you have engaged in very public custom reconciliation ceremonies.
9. Mr Chabod, I reduce your final sentence due to your personal mitigation factors by 4 months to an end sentence of 4 years 8 months imprisonment. You have not engaged in any custom reconciliation ceremony, and continue to deny any wrong-doing. Your personal circumstances do not warrant any further reduction of sentence.
10. I am satisfied that these sentences are the least restrictive available in the circumstances and in parity with your already sentenced co-defendants.
11. Section 57(1) of the Penal Code requires the Court to consider whether the end sentence should be imposed immediately or suspended. For the reasons set out in my sentencing notes of 13 June 2018, there is no basis on which to suspend any of these sentences. Not only is the offending extremely serious, but this is a second serious criminal conviction for each of you.



12. Each of you has 14 days to appeal the sentence if you disagree with it.
13. Finally, as indicated when considering your applications for bail pending appeal, I am prepared to continue your existing bail until the Court of Appeal session commences on 5 November 2018.

Dated at Port Vila this 23rd day of October 2018  
BY THE COURT

  
Justice G.A. Andrée Wilton

