

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

Criminal  
Case No. 21/2606 SC/CRML

**BETWEEN:** Public Prosecutor

**AND:** Nanua Sawia  
Defendant

*Date:* 5<sup>th</sup> October 2021  
*By:* Justice G.A. Andrée Wiltens  
*Counsel:* Mr P. Toaliu for the Public Prosecutor  
Mr H. Rantes for the Defendant

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**SENTENCE**

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A. Introduction

1. Mr Sawia pleaded guilty to a charge of arson.

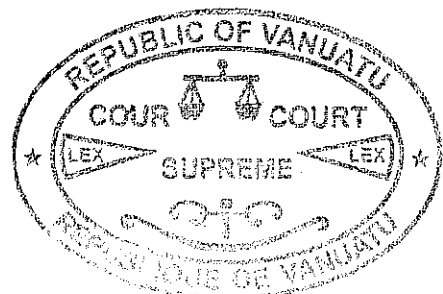
B. Facts

2. On 2 February 2021 Mr Sawia went to Iasitu Kalia's garage. He took with him some benzene which he poured over Mr Kalanga's white Nissan Patrol vehicle registration No. 1835. He then set the vehicle alight.

C. Sentence Start Point

3. The sentence start point is to be assessed by having regard to the maximum sentence available and factoring in the aggravating and mitigating aspects of the offending.
4. The maximum sentence for arson is 10 years jail.
5. There are no mitigating aspects to the offending. There are however a number of aggravating aspects, which include the following:

- planning and pre-meditation;



- taking incendiary material to the scene;
- the consequences of the offending in that the vehicle is a total write-off (VT 3 million);
- and
- putting at risk the garage and contents.

6. I adopt a sentence start point of 3 years imprisonment.

D. Mitigation

7. Mr Sawia pleaded guilty at the first available opportunity. For that I reduce the sentence start point by 25%.

8. Mr Sawia is 21 years of age, single and residing with his parents. He has no previous convictions.

9. His explanation for his offending is that he lost his temper and over-reacted due to his cousin's continuing disobedience at family meetings and his sexual harassment of closely related members. His cousin used to drive the vehicle.

10. The PSR indicates Mr Kalanga, the uncle, does not wish to claim for damage caused. He is passing the possibility of insurance. He does not want reparation.

11. Mr Sawia has performed two custom reconciliation ceremonies, presenting calico, a goat, mat and a live duck by way of apology to both his uncle and his cousin. Mr Kalanga has confirmed his acceptance of the apology.

12. For his personal factors I reduce the sentence start point by 12 months – for youth, lack of previous convictions and remorse.

E. End Sentence


13. The end sentence I impose is 15 months imprisonment. Due to Mr Sawia's young age, his remorse and his rehabilitation prospects I am prepared to suspend the sentence for 2 years.

14. Mr Sawia needs to stay offence free for 2 years to ensure he does not serve this sentence.

15. In addition, he is to perform 200 hours of Community service.

16. He has 14 days to appeal his sentence.

Dated at Isangel, this 5<sup>th</sup> day of October 2021  
BY THE COURT

  
Justice G.A. Andrée Wiltens

