

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

Criminal  
Case No. 22/96 SC/CRML

**BETWEEN:** Public Prosecutor  
*Prosecutor*

**AND:** Esrome Loughmani  
*Defendant*

**Before:** Justice Oliver A. Saksak

**Counsel:** Mr Tristan Karae for the Public Prosecutor  
Mrs Mary Grace Nari for the Defendant

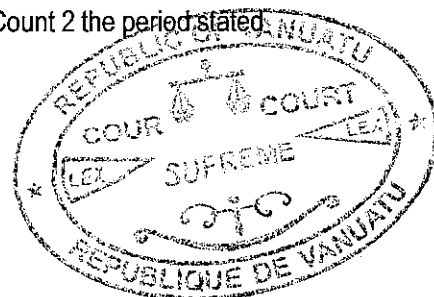
**Date of Sentence:** 18<sup>th</sup> October 2024

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**SENTENCE**

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1. On 16<sup>th</sup> August 2024 the Court of Appeal on the appeal by the Public Prosecutor was satisfied the evidence had established that Mr Loughmani had forged or was a party to the forgery of relevant visa cards, and therefore held that he was wrongly acquitted of the two forgery charges in Counts 1 and 2 (see para 21).
2. The Court of Appeal therefore allowed the Public Prosecutor's appeal and entered convictions against Mr Loughman with regard to Counts 1 and 2 ( see para 33). The Court of Appeal then remitted the case back to this Court for sentencing.
3. In assessing sentence, I have been assisted by the written submissions of the Prosecutions filed on 16<sup>th</sup> October 2024 and also by Mrs Nari filed on 17<sup>th</sup> October 2024.
4. The offence of forgery is prohibited by section 140 of the Penal Code Act which also provides the maximum penalty to be 10 years imprisonment.
5. In relation to forgery in Count 1 the period stated in the particulars of the offence was between 1<sup>st</sup> January 2017 and 31<sup>st</sup> December 2019. And in relation to forgery in Count 2 the period stated

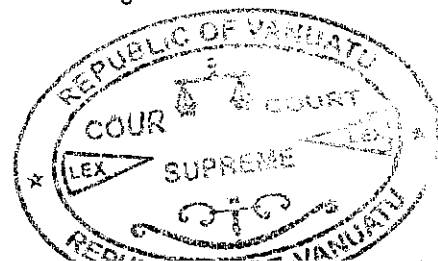


in the particulars was from 1<sup>st</sup> January 2020 to 31<sup>st</sup> December 2021. These indicate the repetitive actions of the defendant.

6. During these periods the defendant occupied a senior position within the Immigration Department. He received large amounts of money for which he was found guilty under Count 3 and sentenced separately to end sentence of 3 years imprisonment.
7. There was serious breach of trust and a degree of planning and premeditation. The State was deprived of huge amount of revenue which may not be recovered, and there was a large number of victims. And there has been no sign of remorse.

These are the aggravating features of the defendants offendings.

8. I consider that there were mitigating circumstances for your offendings. The fact that 55 foreign nationals using language barrier as their excuse used the services of 2 intermediaries took advantage of your position at their own choice and put you to the risk of offending, when they should have gone directly to the Department of Immigration. And from the facts also a number of the foreign nationals benefited from the visa cards in their travelling in and out of Vanuatu, yet saw fit to lodge complaints, resulting in these charges being laid against you.
9. Taking all these factors together with the seriousness of the offences committed, I adopt the start sentence of 5 years imprisonment for the charge of forgery in Count1 and similarly 5 years imprisonment for forgery in Count 2. These are to be served concurrently. The total sentence shall be 5 years imprisonment.
10. In mitigation, I reduce your concurrent sentence of 5 years by 2 years for the delay in processing and prosecuting your case which includes the laying of different charges initially and amending them twice resulting in the case being dismissed, appealed and remitted for rehearing. I take into account the impacts, physical, mentally and financially on yourself and your family members and relatives. Your sentence is reduced to 3 years imprisonment.
11. Finally I note your character, personal history, your family factors and your many years of service to the State and the community, your health and previous clean record. For these factors together I reduce your sentence of 3 years by a further 1 year.



12. That makes your end sentence to be 2 years imprisonment.
13. You are therefore sentenced to an end concurrent sentence of 2 years imprisonment.
14. As these offences were separate from the offence of obtaining money by deception, your sentence of 2 years imprisonment shall be made consecutive to your end sentence of 3 years imprisonment for the offence in Count 3.
15. Altogether you are sentenced to 5 years imprisonment less the 30 days you were kept in custody in 2021. The balance of your sentence shall be 4 years and 11 months.
16. Your sentence is immediate as of today, 18<sup>th</sup> October 2024.
17. Your sentence will not be suspended as the offences committed are serious and suspension would convey a wrong message to the public.

**Dated at Port Vila this 18<sup>th</sup> day of October 2024**

**BY THE COURT**

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**Hon. Oliver A Saksak**

**Judge**

