

**IN THE SUPREME COURT  
OF THE REPUBLIC OF VANUATU**

*(Criminal Jurisdiction)*

**Criminal**

**Case No. 20/344 SC/CRML**

**PUBLIC PROSECUTOR**

**v**

**CAROLINE WASABULU**

*Date:* 11 May 2020  
*Before:* Justice V.M. Trief  
*Counsel:* Public Prosecutor – Mr P. Sarai  
Defendant – Mr H. Vira

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**SENTENCE**

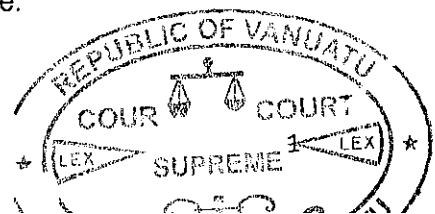
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A. Introduction

1. Ms Wasabulu pleaded guilty to one charge of intentional homicide. The maximum sentence for this offence is 20 years imprisonment.
2. I convict Ms Wasabulu on her plea and the summary of facts.

B. Facts

3. In the early hours of 20 October 2019 Ms Wasabulu and her husband the deceased returned to their residence at Pango village from a night club. Ms Wasabulu had drunk both kava and alcohol. They were arguing and the deceased had been striking her with his hands as they walked along the road to their house. When they arrived at their house, Ms Wasabulu was heard saying loudly, "Yu faetem mi lo rod from wanem?" ("Why did you hit me on the road?").
4. They went into the house. The deceased again struck Ms Wasabulu with his hands and told her that he would hit her again in her ribs. She got a 35cm knife from the sitting room table after he said he would hit her again. She then stabbed him. She thought she had stabbed him in the hand. The deceased shouted, "Awoo!" and then said to Ms Wasabulu, "Yu stap ia yu weit" ("You stay here, you wait"). He went outside.



5. There was a loud bang on the outside corrugated iron wall of the house like the sound of someone falling against the wall and then walking on the gravel alongside the wall. Ms Wasabulu realised that she had wounded the deceased more seriously than she thought and rushed outside calling out her brother's name. He lives in the yard next door. She was crying and calling out, "Mi mi stikim hem lo knife, lukaotem hem" ("I stabbed him with a knife, look for him").
6. Ms Wasabulu's daughter and her partner were asleep in the house, heard the noise and rushed outside. Ms Wasabulu was crying and called out, "Yufala traem lukaotem apap, mi sperem hem lo knife." ("You guys try to find grandfather, I stabbed him with a knife"). They then saw the deceased lying on the gravel in front of the house. There was blood all over his shirt and body. The son-in-law arranged for the deceased to be immediately taken to the Vila Central Hospital, where he was pronounced dead on arrival.
7. The post-mortem examination confirmed the deceased died of severe loss of blood from the stab wound to his chest. There were two further superficial slashes on his neck and a stab wound on his left shoulder.
8. Ms Wasabulu made full admissions in her police interview the next day.

C. Aggravating Factors of the Offending

9. Firstly, a weapon was used on at least 4 occasions. The deceased had 4 knife wounds to his neck, shoulder and chest. He died of severe blood loss from the chest wound.
10. Secondly, Ms Wasabulu targeted vulnerable parts of the body which can have life threatening consequences. In this case, it did, and the deceased tragically died within a short time of the stabbing.
11. Thirdly, this involved the killing of a family member thus a breach of trust. The deceased was not only Ms Wasabulu's husband but father and grandfather to their children and grandchildren. Moreover, the offending happened at the family home.
12. Lastly, Ms Wasabulu was under the influence of alcohol and kava.

D. Mitigating Factors of the Offending

13. The deceased's violence towards Ms Wasabulu immediately before she stabbed him. In addition, he threatened her which led to her arming herself with the knife.

E. Offending Starting Point

14. The offending occurred in the context of a domestic relationship. It illustrates yet again that violence has no place within domestic relationships and in the home. It has resulted in tragic consequences that Ms Wasabulu will have to live with for the rest of her life.
15. I consider that the factors of the offending set out above require a sentence start point of 11 years imprisonment. This is to mark the need for deterrence, protection of society and punishment.



F. Personal Factors

16. Ms Wasabulu was 46 years old at the time of the offending. She has 5 children and 4 grandchildren. She makes a living from selling food at the kava bar. Ms Wasabulu is ashamed and remorseful. She is emotionally affected by what has happened. The deceased's family have refused a reconciliation ceremony however her willingness to participate evidences Ms Wasabulu's remorse for the offending. Ms Wasabulu has no previous convictions. She now has the loss of companionship in her old age.
17. For Ms Wasabulu's personal factors I reduce the start point of her sentence by 9 months imprisonment.

G. Deduction for Guilty Plea

18. Ms Wasabulu immediately alerted other family members that she had stabbed the deceased. They found him straight away and Ms Wasabulu was already crying out loud. She made full admissions to the police. Given Ms Wasabulu's immediate acceptance of responsibility for the offending and her guilty plea at the first opportunity, she is entitled to a one third deduction.

H. End Sentence

19. Taking all of those matters into account, the end sentence that must be imposed is one of 6 years 10 months imprisonment.
20. The sentence is to commence from 20 March 2020 given the 1 month and 23 days that Ms Wasabulu spent in custody prior to sentence.

I. Suspension

21. An immediate custodial sentence must be imposed. This is to mark the gravity of the offence, to emphasize public disapproval, to deter others, and to hold Ms Wasabulu accountable for her criminal act.

J. Other

22. Ms Wasabulu has 14 days to appeal this sentence if she disagrees with it.

**DATED at Port Vila this 11<sup>th</sup> day of May 2020  
BY THE COURT**

*V.M. Trief*  
V.M. Trief  
Judge

