

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

Criminal
Case No. 21/2608 SC/CRML

BETWEEN: Public Prosecutor

AND: Jeffrey lausalok
Defendant

Date: 6th October 2021
By: Justice G.A. Andrée Wiltens
Counsel: Mr L. Young for the Public Prosecutor
Mr H. Rantes for the Defendant

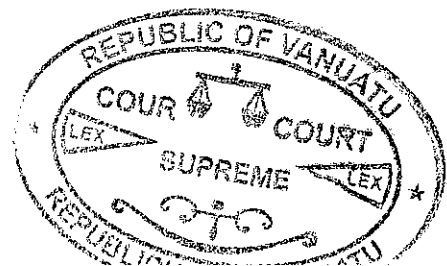
SENTENCE

A. Introduction

1. Mr lausalok pleaded guilty to 6 charges alleging misappropriation.

B. Facts

2. Mr lausalok was employed by Vanuatu Post Limited ("VPL") at its Lenakel and Aniwa branches from 2009-2013.
3. In April 2013, the Chief Financial Officer of VPL became suspicious that Mr lausalok was not depositing VPL funds as required. Instead a proportion of the funds were deposited into his personal account.
4. While these matters were being looked into, Mr lausalok made numerous admissions to his Chief Financial Officer. Ultimately it was discovered that Mr lausalok had taken funds from the Lenakel branch:
 - between 11 February 2011 and 30 December 2011, in the sum of VT 1,455,053;
 - between 24 January 2012 and 24 December 2012, in the sum of VT 4,381,966; and
 - between 2 January 2013 and 11 April 2013, in the sum of VT 1,690,651.



Further, he had misappropriated from the Aniwa branch:

- between 1 November 2011 and 13 December 2011, in the sum of VT 167,910;
- between 13 November 2012 and 31 December 2012, in the sum of VT 3,069,865 and
- between 12 January 2013 and April 2013, in the sum of VT 954,316.

5. When interviewed by the police Mr lausalok admitted he was not authorised to do this and that the funds have all been dissipated on his personal spending.
6. On 9 July 2013, after having been suspended initially and later terminated, Mr lausalok offered to repay VPL the money he had misappropriated.

C. Sentence Start Point

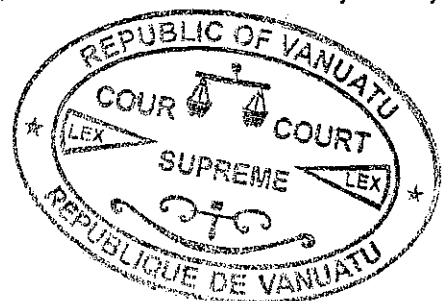
7. The sentence start point is to be assessed by having regard to the maximum sentence available and factoring in the aggravating and mitigating aspects of the offending.
8. The maximum sentence this offending for is 12 years imprisonment.
9. There are no mitigating aspects to the offending. There are however a number of aggravating aspects, which include the following:

- planning and pre-meditation;
- gross breach of trust;
- duration of offending – 26 months;
- the repeat nature of the dishonest conduct;
- the enormous sum misappropriated – over VT 10M; and
- the unlikelihood of reparation.

10. The sentence start point I adopt, on a global basis taking all the offending into account, is 7 years jail.

D. Mitigation

11. Mr lausalok made admissions to his Chief Financial Officer which must have made tracing his activities easier. He also admitted his offending to the police. Finally, he has entered guilty pleas in Court at the earliest available opportunity. Taking those matter into account, I reduce the sentence start point by one-third.
12. Mr lausalok is now 41 years of age, married with 3 children. His wife is currently pregnant. He is currently a farmer.
13. He has no previous convictions.
14. He has not participated in a custom reconciliation ceremony but states he is willing to do so. His offer in 2013 was a pointless offer – he has made no reparation to this date, and is very unlikely



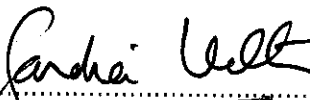
to ever be able to repay what he has misappropriated. I note that even today he is still talking about reparation, but the reality is that words alone will reimburse VPL.

15. There has been considerable delay in the progress of this case. Mr Young accepts that the prosecution is responsible for 5 years delay, and he attributes the other delay at least partly for Mr lausalok. Any unnecessary delay is unfair and that should be reflected in a reduction of sentence. In this case, I reduce the sentence start point by 4 months to reflect this unnecessary delay.
16. For his personal factors the sentence start point is further reduce by 4 months.

E. End Sentence

17. The end sentence I impose is 4 years imprisonment. I impose that on each charge concurrently.
18. This offending is too serious to contemplate suspension of sentence.
19. Mr lausalok has 14 days to appeal his sentence.

Dated at Isangal, this 6th day of October 2021
BY THE COURT


Justice G.A. Andree Wiltens

