

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

Criminal  
Case No. 23/713 SC/RML

**BETWEEN:** Public Prosecutor

**AND:** Ansen Sapa Ialien, , Bob Sul, Ben Kassou  
*Defendants*

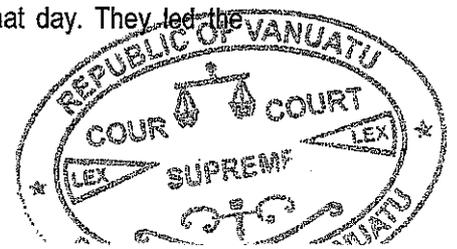
**Before:** Justice Oliver A. Saksak  
**Counsel:** Mr Tristan Karae for Public Prosecutor  
Mr Eric Molbaleh for the Defendants Bob Sul, Ben Kassou and Ansen Sapa  
**Dates of Trial:** 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> July 2025  
**Date of Oral Verdict:** 4<sup>th</sup> July 2025  
**Date of Written Verdict:** 16<sup>th</sup> July 2025  
**Date of Sentence:** 28<sup>th</sup> July 2025

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**SENTENCE**

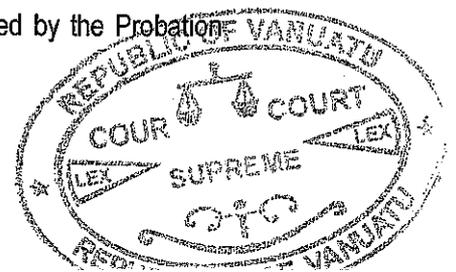
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1. After a trial, the Court found the three defendants guilty and returned its oral verdicts on 4<sup>th</sup> July 2025. The formal judgment giving reasons was issued on 16<sup>th</sup> July 2025.
2. The defendants are for sentence today. Bob Sul ad Ben Kassou are to be sentenced for inciting the offence of intentional homicide.
3. Ansen Sapa is to be sentenced for intentional homicide and for intentional assault resulting in permanent injuries.
4. The offences of intentional homicide which involves the intentional killing of another human being is a very serious offence. Under section 106 (1) (a) of the Penal Code Act, where the homicide was not premeditated, the penalty is 20 years imprisonment.
5. An accomplice is a person who aids (helps promotes or assists) or counsels ( gives advice or encourages) or procures ( allows or facilitate) intentional homicide. See sections 30 and 35 of the Penal Code Act.
6. Under section 32 of the Act, an accomplice shall be punished in the same way as a principal offender. And under section 35 of the Penal Code Act it is unlawful to incite or solicit a person to commit an offence, whether or not the offence is committed. It also provides that a person may be charged and convicted as a principal offender.
7. From the facts supported by evidence, Bob Sul and Ben Kassou on 22<sup>nd</sup> September 2022 were accomplices. They had facilitated the meeting that took place that day. They led the



discussions and did most of the talking. They produced a list of names of deceased persons. They accused Ps Mark and Peter Ialien ( the deceased). They encouraged their killing.They spoke and stirred up tensions among family members that led to Philip, Joseph and Ansen taking action to strike the deceased down, causing his death and Ansen assaulting Bob lakume casing permanent injuries to his left arm.

8. These men had taken the law into their own hands. There were no mitigating circumstances for the commission of these barbaric acts.
9. The defendants had the upper hand. They acted jointly as accomplices and co-offenders. They ignored the victims' pleas for a proper meeting for proof. They ignored and were disrespectful of other respectable elders and chiefs of the area like chief Jimmy Iaput. They disrespected even the Police. Pieces of wood and a knife were used in the assaults for attack that led to Peter's death and the permanent injuries sustained by Pastor Mark and Bob lakuma. Much fear was caused to innocent lives of men, women and children. Ther was a breach of trust and a breach of the peace in the community. The assaults and beatings of the victims were repetitive, multiple and violent. These are the aggravating features of these offences.
10. In sentencing the three defendants today I will adopt and follow the sentencing principles in PP v Sawan & others Crc No. 199 of 2002, PP v Nof [ 2008] VUCA 24, Morris Ben v PP [1993] VUCA 3, Saipir v PP [1996] VUCA 7, Newell v PP [1998] VUCA 2 and the earlier sentencing in PP v Philip Sapa and Joseph Sapa.
11. Based on the above case authorities, the appropriate sentences to be imposed by the Court are to be sentences of imprisonment.
12. Therefore taking the seriousness of the offendings of the defendants together with the aggravating features without any mitigating circumstances, I sentence the defendants to start sentences as follows:-
  - a) For Ben Kassou- Count 1: Inciting Intentional Homicide, a sentence of 15 years imprisonment.
  - b) For Bob Sul- Count 1: Inciting Intentional Homicide, a sentence of 15 years imprisonment.
  - c) For Ansen Sapa- Count 2: Intentional Homicide, a sentence of 15 years imprisonment. Count 6: Intentional Assault, a sentence of 3 years imprisonment. This sentence shall be served concurrently with your 15 years sentence for Intentional Homicide. In total, your sentence shall be 15 years imprisonment.
13. I now consider your mitigating factors to reduce your sentences. I have seen the submissions filed by Mr Molbaleh. I have also seen the pre-sentence reports submitted by the Probation Officer.



14. First, this was a trial and contested case so there is no deduction for guilty plea.
15. Next I note your characters and personal histories. You are all family men with wives and children, some have grown up and some are at school. I note that none of you has any past criminal convictions. I note your willingness to perform a klinim face custom ceremony of substance which has not been accepted by the victims and relatives. For all these factors together, for Ben Kassou and Bob Sul, I reduce your respective sentences of 15 years imprisonment by 3 years and 6 months. Your end sentences shall therefore be 11 years and 6 months imprisonment.
16. And for you Ansen Sapa , I reduce your concurrent sentence of 15 years also by 3 years and 6 months, leaving your end sentence to be 11 years and 6 months imprisonment.
17. These sentences are backdated to the dates on which you were arrested and held in custody either in the Correctional Facilities in Luganville or Port Vila. This is so that you do not lose your parole privileges.
18. Your sentences are to be immediate as of today. But you each have a right of appeal within 14 days.

**DATED at Isangel, Tanna this 28<sup>th</sup> day of July 2025**

**BY THE COURT**

  
**Hon. Justice OLIVER A SAKSAK**

