

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

Criminal
Case No. 25/2460 SC/CRML

PUBLIC PROSECUTOR

V

ZHIQIONG HUANG

Coram: Justice Josaia Naigulevu

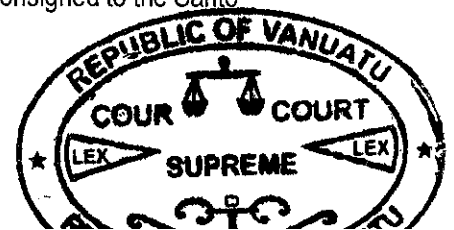
Counsels: Public Prosecutor – Mrs. Josephine Tete
Defence Counsel – Mr. Ronald Warsal

SENTENCE

1. Bribery including the bribery of public officials, a conduct as old as civilization itself, has the ability to cause profound and damaging impact on the nation's social fabric and its economic stability. Whether in its petty or grand form, it is capable of undermining national development, equality in broad areas of society and the trust that citizens have in their institutions.

Facts

2. The defendant in this case Zhiqiong Huang is the owner of H store and Nemo Motel in Luganville, has a family interest in Santo Nambawan retail outlets in Santo, and jointly owns the Centre Hotel with her husband, Qingjiang Weng. She is said to be responsible for managing the Santo Nambawan Stores, and handling their Customs declarations.
3. Weng, the defendant's husband was reported to have left Vanuatu for China on the 27th July 2025, a day before the scheduled inspection of the container that is the subject of this proceeding. The defendant is a Chinese national who resides in Vanuatu on an investor visa.
4. On the 23rd July 2025, a container marked APZU 2114608 arrived in Luganville on board the MV Baldur Volls. On the same day, the defendant lodged a Customs declaration with the Santo Customs Office. She was informed that the container would be subject to physical inspection. The declaration form was accompanied by an invoice ANR 251705 from a company in Thailand that listed Santo Nambawan as the consignee. The invoice described the goods in the container as 450 cartons of napkins that were valued at USD 18,000.
5. Between the 24th and 25th July 2025, the defendant made several phone calls to Customs Officer Jules Sesai. She sought an urgent meeting with him. They met on the 25th July 2025. She offered to pay for his lunch. In the afternoon of the same day, they met again at the Customs Border Office at the wharf terminal. At the meeting, the defendant handed the officer a bag containing VT1,500,000 in cash and asked him to help her, and to release container consigned to the Santo



Nambawan Stores. He reported the exchange he had with the defendant to his manager shortly afterwards.

6. The container was scheduled to be inspected on the 28th July 2025. On that day the defendant telephoned the Customs Officer Pakoa Tom and asked him to cancel the inspection of the container.
7. Sometime in the month of July 2025, the defendant offered the Customs officer Jules Sesai a further VT1 million in order to influence him against making the physical inspection of container APZU 2114608.
8. At a meeting with the Acting Manager of the Santo Customs Office on the 29th July 2025, the defendant admitted that Mr. Huang Yuxiang, a business partner who was in Thailand at the time, had informed her that the container contained 400 cartons of undeclared cigarettes. On the 31st July 2025, she provided the Customs officer with a copy of the true invoice numbered ANR251705. The invoice disclosed that the shipper was Anro (Thailand) Co Ltd, the consignee as Santo Nambawan Store, and that the container contained 431 cartons of cigarettes and 19 cartons of napkins.
9. When the container was opened and inspected on the 6th August 2025, it was found to contain 420 cartons of Peter Jackson Virginia cigarettes, 11 cartons of various brands of Chinese cigarettes and 19 Cartons of napkins. An assessment of the Customs duty payable on these items was made and calculated to be VT143,820,550.
10. The defendant was interviewed under caution by the Police. She admitted she had submitted a false invoice and declaration to the Custom's authority and had delivered VT1,500,000 to Officer Jules and later offered him a further VT1,000,000 to release the container.

Offence

11. The defendant, Zhiqiong Huang, was charged with has been convicted following the guilty plea of two counts of corruption and bribery of officials contrary to section 73(2) of the Penal Code. The charges relate to the two incidents involving the offering and giving of bribes by the defendant to Customs Border Officer.
12. The offence of corruption and bribery of officials in section 73 (2) of the Penal Code is set out in the form term.

"No person shall corruptly give or offer, or agree to give any bribe to any person with intent to intervene any public officer in respect of any act or omission by him in his official capacity"

13. The offence is constituted by the offering of a corrupt inducement to a person a in public office in order to influence that person's behavior in that office, and to incline that person to act contrary to established rules and processes. The offence is completed by the mere offer even if it was rejected.¹

¹ *Judicial commission of New South Wales Criminal Trial Courts Bench Book Vol.2 paragraph 5-150*

14. The statutory maximum sentence of the offence is 10 years imprisonment.
15. The defendant had pleaded guilty to each count in the information dated the 14th November 2025 when she was arraigned on the 18th November 2025 and accepted the facts presented by the prosecution. She was duly convicted.

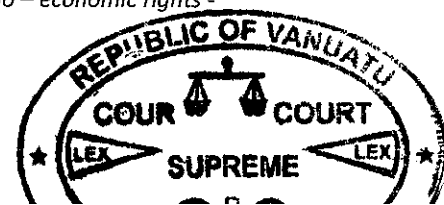
Sentencing purposes and guideline

16. There is a notable divergence of views about the appropriate object and purpose of sentencing corruption and bribery offenders. These views influence the types of sentences considered effective and appropriate. Assessing the objective and purpose of sentencing these offences requires an understanding of the specific impact the offending has on the economy and society.
17. It is broadly accepted that these offences have impacted on economies in several ways, including how it can give rise to market distortions favoring companies that pay bribes and fiscal strain brought about by the reduction in government revenue, and diminution of local and foreign investment.
18. The impact of bribery on society includes the erosion of the public trust on government officials and institutions, a compromised public service and the weakening of the rule of law.²
19. Against this background, the appropriate sentencing objectives and purposes include the following:
 - (a) *Deterrence to deter the defendant and others from committing offences of the same or similar kind in the future;*
 - (b) *Denunciation to condemn and censure the type of conduct engaged in by the offender*
 - (c) *Accountability and just punishment, and impose a just punishment that is proportionate and just in all the circumstances;*
 - (d) *Restitution, to reimburse the victim for any financial loss or damage.*
20. The approach taken in sentencing the defendant in the present case follows the guidelines given by the Court of Appeal in the case of Philip v. Public Prosecutor [2020] VUCA 40.

Aggravating factors

21. The following circumstances represent the aggravating factors in the present case:
 - a) *The offending involved a degree of planning by the defendant and other persons;*
 - b) *The defendant employed deception when she submitted a false invoice and a Customs declaration form to facilitate the commission of the offence;*

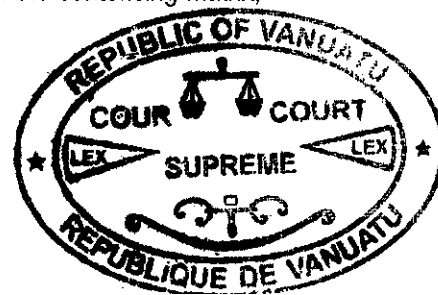
² *Fighting Foreign Bribery – OECD; The Economics of Corruption – IMF; Corruption: the shadow on Global Development – Baker Tilly International; The impact of Corruption on governance and socio – economic rights - CASAC*



- c) *The amount of money involved was substantial, and the bribes were offered on more than one occasion;*
- d) *The size of the potential loss in revenue to the Vanuatu Government was substantial;*
- e) *The intended outcome for the defendant was in the nature of unjust enrichment in a substantial amount.*

Starting point

22. In assessing the appropriate starting point, I have taken into account the statutory maximum sentence, the aggravating and mitigating factors as well as the submissions of counsel and the authorities they referred the Court to. Further in the light of the dearth of Vanuatu cases on the point, I have considered the guidelines published by the United Kingdom Sentencing Council to assist me in this process, but not to dictate my decision about the appropriate starting point.
23. Both counsel referred the Court to the sentencing remarks in the case *Public Prosecutor v. Chen Jian Liu*. Criminal Case No.61 of 2013, a case involving an offence of Bribery Contrary to section 51 (1) (v)(i) of Value Added Tax Act. The case involved a defendant who offered a bribe of VT5000 to a VAT unit manager after the defendants' shop failed to enter a VT15,000 transaction into the shop's cash register. A conviction attracted a maximum sentence of 10 years imprisonment and/or fine of VT1 million. The Court adopted a starting point of 3 years.
24. That starting point is comparable to the starting point of 3 years adopted by this Court in *Public Prosecutor v. Kalosil* [2015] VUSC 149, a case that involved a number of offenders who were convicted of corruptly receiving bribes. The starting points adopted in respect of thirteen offenders were accepted as correct and received the approval of the Court of Appeal.
25. I had mentioned the assistance provided by the United Kingdom Sentencing Council on sentencing of offences contained in the United Kingdom Bribery Act 2010. The comparable offence in that statute is the offence of bribing another person contrary to section 1 of the Act.
26. Within the Council's guideline culpability matrix, the Zhiquing Huang's offending falls within the mid-range of the high culpability and medium culpability categories. The relevant features of the offending conduct within this range include the motivation occasioned by and the expectation of substantial commercial gain, the significant role of the offender in which the offending was part of a group activity that targeted an enforcement officer.
27. Within the guideline's harm matrix, the defendant's offending similarly falls within the mid-range of category 1 and category 2 classifications. Within that mid-range, the relevant features of offending conduct include the prospect of substantial loss to government revenue, and the substantial undermining of the function of a government institution. These matrices constitute step 1 in the guideline.
28. Step 2 of the guideline comprises the starting point and sentence category range. Using the findings from step 1 in order to place Zhiquing Huang's offending within the sentencing matrix, the result is a starting point of between 3 to 6 years.



29. I have taken into account the matters alluded to earlier, in particular the aggravating factors, and adopt a starting point of 4 years. Both counsel had recommended the same starting point in their submissions.

Guilty Plea

30. The defendant had entered a plea of guilty to the two counts preferred against her when she was arraigned in this Court. This indicated that she had accepted responsibility for her wrongdoing and that she was remorseful. I reduce her sentence by twenty-five percent from the starting point.

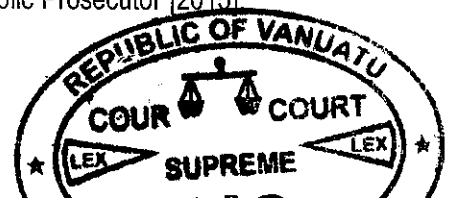
Mitigating and Personal Factors

31. The defendant is a Chinese national, is married to Qingjiang Weng and has a sixteen-years-old son. Her husband and their son are presently in China. She resides in Vanuatu on an investor visa and has lived in Luganville for about seven years.
32. The defendant is a businesswoman who owns H Store, Nemo Motel, runs the Centre Hotel and co-manages the chain of Santo Nambawan Stores in Santo.
33. The defendant is reported to have a good working relationship with the local communities, the Sanma Province, the Luganville Municipality and other business houses in Luganville.
34. A number of letters were written to the Court on behalf of the defendant. I have noted the content of those letters. They attest to her previously unblemished character, and her caring and helpful disposition. Those letters explain how she has assisted the local communities and individuals in Luganville, including the employees of H Store.
35. I have taken into account that the defendant has never been convicted of any offence in the past. I have also noted the representations about the pressure that may have been brought to bear on her by her husband, and certain features of the Chinese culture. I place limited weight on these because no formal evidence was adduced to substantiate these assertions. I am also mindful that the defendant's own business acumen and experience should have alerted her about the gravity of the wrongdoing she was to engage in.
36. For these personal and mitigating factors, I reduce the starting point by a further 12 months.

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End Sentence

37. Several factors influence the sentencing in corruption and bribery cases. The principal ones include the severity and scope of the offending, which influence the level of culpability and the potential harm caused. The sentencing Court is ultimately required to synthesise a broad range of factors in order to arrive at a sentence that is of a severity appropriate in all the circumstances to the offence. This is done within the parameters of the maximum penalty prescribed by statute and the application of relevant sentencing principles.
38. Several key considerations were highlighted by the Courts in Vanuatu in the few cases that have come before them. The Court of Appeal in the appeal case Kalosil v. Public Prosecutor [2015]



VUCA 43 underscored the serious nature of bribery offences when affirming the sentences imposed on members of Parliament who had been convicted of the offence: It said:

"It must be repeated that bribery is a serious crime... Worse, a practice of bribes weakens the trust of the public in government, and damages the rule of Law."

39. In sentencing remarks made in cases involving the offence of bribery by this Court it has consistently declared its commitment to adopt a firm approach that promotes both punishment and deterrence.

40. In the case of Public Prosecutor v. Chen Jian Liu, Criminal Case No.61 of 2013, Fatiaki J said:

"18... Bribery is a serious offence.... For those reasons when a case has been successfully proved, the Court has a duty to treat it seriously by imposing a deterrent sentence."

And he added further:

"20...the Court has a duty to send a strong consistent message that bribery will not be tolerated and anyone caught offering a bribe to a public official can expect a prison sentence, whatever the nature and the value of the bribe offered."

41. In the case Public Prosecutor Zheng Quan Chi [2002] VUSC 81 where the offender was convicted of bribing a Customs officer and was given a suspended sentence of 6 months' imprisonment, a fine of VT1.5 million and prosecution costs of VT130, 000 Coventry J said:

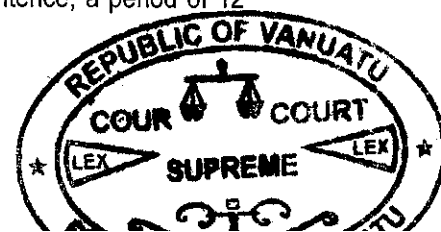
"Anyone who bribes or attempts to bribe a Customs officer or public officer must expect prison. Bribery cannot be accepted in any shape or form."

42. This Court adopts the same position in the instant case. It recognizes that bribery acts as corrosive force that undermines social and economic development, and public trust in national institutions. It affirms punishment and deterrence as significant objectives when sentencing cases of this kind, but also recognizes the potential loss of substantial national revenue if offenders succeed and the need for a suitable monetary response. Bribery of any kind cannot therefore be tolerated.

43. I have taken all these matters into consideration and after the deductions made towards the accused person's guilty plea, and personal and mitigating factors, I impose an end sentence of 24 months for each count. These sentences will be served concurrently.

44. I now turn to the question of how the period of 24 months will be served, bearing in mind the principles that govern the application of suspended sentences. I have considered the matters set out in sections 57 (1) (a) and 58 of the Penal Code and have decided, given the serious nature offence, to suspend the sentence in part pursuant to section 58 (1) of the Penal Code.

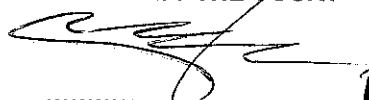
45. Accordingly, Zhiqiong Huang is sentenced to 24 months' imprisonment. A period of 12 months will be served immediately. This is backdated to the 19th August 2025, the day when she was remanded at the Luganville Correctional Centre. The balance of her sentence, a period of 12



months is suspended for 1 year. In addition, I impose a fine of VT1,000,000, to be payable in the next 3 months.

46. All monies offered as bribe to the Customs officer are forfeited to the State, and must be deposited into the national treasury within the Ministry of Finance in the next 14 days. The actions of the Customs officials are to be commended.
47. Zhiqiong Huang has 14 days to appeal this sentence if dissatisfied.

DATED at Port Vila this 24th day of March 2026
BY THE COURT



Hon. Josaia Naigulevu
Justice

