

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

Criminal
Case No. 25/3756 SC/CRML

PUBLIC PROSECUTOR

v

GERALD LAUMEN

Date: 27 March 2026
Before: Justice V.M. Trief
Counsel: Public Prosecutor – Mr D.R.Liu
Defendant – Mrs C.D. Tovor

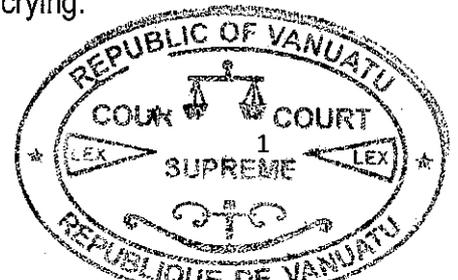
SENTENCE

A. Introduction

1. Mr Gerald Laumen, also known as Seral Luata, you appear for sentence today having pleaded guilty to one charge of threat to kill a person contrary to s. 115 of the *Penal Code* [CAP. 135] (Count 2) and two charges of domestic violence contrary to para. 4(1)(a) and subs. 10(1) of the *Family Protection Act* No. 28 of 2008 (Counts 1 and 3) and one charge of domestic violence contrary to para. 4(1)(g) and subs. 10(1) of the *Family Protection Act* (Count 4). You have been convicted on your own pleas and the admitted facts.

B. Facts

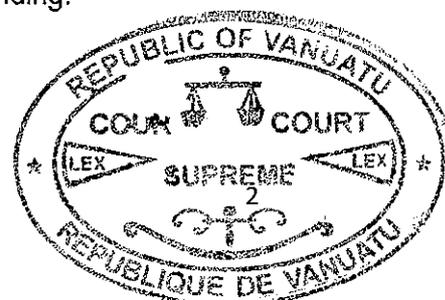
2. The complainant is your *de facto* partner. You normally reside together at Erakor village on Efate island with your three children aged 7, 3 and under-1.
3. On Saturday 20 September 2025, around 4am, you returned home drunk, calling out to the complainant as you could not see her and the baby was crying.



4. She said to you, "*Yu no wantem stap helpem mi wetem ol pikinini ia afta yu kam stap singaotem mi blong wanem?*" ('You did not want to stay and help me with the children so what are you calling for me for?')
5. You became angry. The complainant turned to sleep on the bed with her back to you when she suddenly felt you slap her on the head with your sandal. She cried loudly and noticed blood running out of her head (Count 1).
6. You said to the complainant, "*Yu no mekem noise! Yu sareme mouth blong yu, yu wandem bae mi kilim yu, yu ded long ples ia?*" ('Don't make noise! Shut your mouth. Do you want me to kill you and you die here?')
7. The children heard the noise, woke up and started to cry (Count 2).
8. You finished beating the complainant and went to sleep so the complainant took the children and left the house and went to her parents' house just nearby.
9. Later, around 6am, you came up to where the complainant was and said to her, "*Kanface...yu ko fakem mama blong yu wetem papa blong yu*" ('[swear], go and fuck your mother and your father'). You wanted the complainant to look for your phone back at your house. She and her father walked out to go with you to your house. The complainant was crying loudly, her father was with you. You took a small stone and threw it at the complainant's head on the same place where you hit her earlier. A lot more blood started running out and the complainant cried loudly along the road (Count 3).
10. Your sister Florence same and helped the complainant then told her she would take her to the hospital. You did not help but walked away from the complainant and returned to your children.
11. After the complainant returned from the hospital, she went back to her parents' house and you came back and said to her in anger, "*Bae yufala stap ia bae who stap feedim yufala?*" ('If you stay here, who will feed you?') and, "*Yu hariap spos no bae mi kam inside ia, bae mi brokem head blong yu bakeken*" ('Hurry up or I will come inside and break your head again') (Count 4).

C. Sentence Start Point

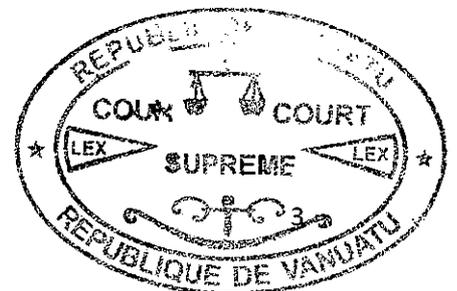
12. The sentence start point is assessed having regard to the maximum sentences available, and the mitigating and aggravating factors of the offending.



13. The maximum sentences provided are:
- a) Threat to kill a person – 15 years imprisonment; and
 - b) Domestic violence – 5 years imprisonment or VT100,000 fine or both.
14. There are no mitigating aspects to the offending however, it is aggravated by the following:
- a) Gross breach of trust;
 - b) The offending occurred in the home where the complainant was entitled to be safe and protected;
 - c) The repeated offending;
 - d) The controlling attitude demonstrated;
 - e) The use of a sandal and a stone as weapons;
 - f) The offending occurred in the presence of children and other family members; and
 - g) The effect upon the complainant including the humiliation and injuries inflicted to her head which is the most vulnerable part of the body.
15. In *Elson v Ayton* [2010] ACTSC 70 (15 July 2010) at 68-70, the Supreme Court of the Australian Capital Territory noted that domestic violence committed in the presence of children not only increases the victim's humiliation and sense of powerlessness but is also likely to cause real psychological damage to the children and risk creating offenders of the children themselves, which is unacceptable and to be condemned as such.
16. The global sentence start point that I adopt, taking all matters into account, is 4 years 6 months imprisonment.

D. Personal Factors

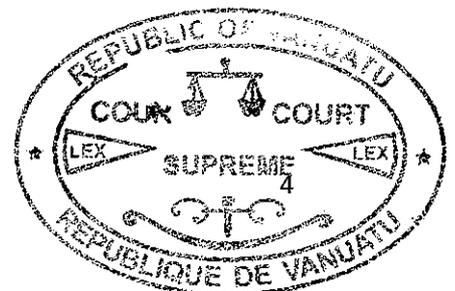
17. You have pleaded guilty at the first opportunity. You have spared the complainant the ordeal of trial although the Prosecution case against you was strong. Accordingly, I deduct 25% (13 and a half months) from the sentence start point for your early guilty pleas.



18. You have served time in custody (22 September 2025-5 December 2025), an effective term of imprisonment of almost 6 and a half months. I therefore deduct a further 6 and a half months from the sentence start point.
19. You are 32 years old. You are in a *de facto* relationship and have four children, aged 7 years to 5 months old. You are a Year 11 leaver. You have previously worked three seasons in the Seasonal Workers program. You are currently employed by a hire car business. You have no prior convictions. You cooperated with the Police. You have strong family and community support. You have performed two custom compensation ceremonies to the victim and her family, which she has accepted. You continue to support her and the children. For your personal factors, I reduce the sentence start point by a further 15% (8 months).

E. End Sentence

20. Taking all matters into account, the end sentences imposed concurrently are:
 - c) Threat to kill (Count 2) 2 years 2 weeks imprisonment; and
 - d) Domestic violence (Counts 1, 3 and 4) 2 years imprisonment.
21. The end sentences reflect the need to denounce this criminal conduct against women and against the values of society, as a general and specific deterrence and to hold you accountable for your criminal conduct.
22. The Court has a discretion under s. 57 of the *Penal Code* to suspend all or part of the sentence where it is not appropriate to make an offender suffer immediate imprisonment "... (i) in view of the circumstances; and (ii) in particular the nature of the crime; and (iii) the character of the offender."
23. This was serious offending. There is a need for general and specific deterrence. I also take into account your prior clean record, your custom compensation payments to the complainant, your demonstrated remorse for the offending, your prospects for rehabilitation and that you have already served some time in custody for this offending. It is on you as a father to set a good example for your young children and provide a loving home for them and their mother. In the circumstances, I consider that it is not appropriate to make you suffer immediate imprisonment. Accordingly, your end sentences are suspended for 2 years on the condition that you commit no further offence within that period. You are warned that if you are convicted of any offence in the next 2 years, that you will be taken into custody and serve your sentence of imprisonment imposed today as well as the penalty imposed for the further offending.



24. In addition, you are to complete 100 hours of community work within the next 12 months.
25. You have 14 days to appeal the sentence.

**DATED at Port Vila this 27th day of March, 2026
BY THE COURT**

VM Trief

Justice Viran Molisa Trief

