

to pay the victim of your crime some money.

- Restitution: The court can order you to refund the victim of your crime the value of any property damaged by you.

### **Who will be present in Court?**

#### **- Magistrate:**

The Magistrate is the person who will decide your case.

#### **- The Clerk:**

The clerk is the person who helps the Magistrate during the case.

#### **- The Public Prosecutor :**

The Prosecutor represents the police who have charged you.

#### **- Lawyer:**

If you have a lawyer he will defend you.

#### **- Witnesses:**

The witnesses are the persons who come to give their side of the story for the Prosecutor and for you.

#### **- Correctional officer:**

The correctional officer brings you to court if you are in prison, prepares a report for the court about you and supervises you if you are given a non-custodial punishment or community service order.

### **What can I do if I am not happy with the decision of the Court?**

If you are not happy with the decision you can appeal to the Supreme Court within 14 days from the date of the decision.



Port Vila : PMB 9041,  
26715 / 22420

Isangel, Tanna : 33903  
Lakatoro, Malekula : 48423  
Luganville, Santo : 36457

#### **OPENING HOURS**

7:30 am— 11:30 am

1:30 pm— 4:30 pm

This brochure is authorised by the Chief Justice of the Republic of Vanuatu and produced by the Supreme Court.

**Note:** The information contained in this brochure is intended as a guide for all court users, in particular, the unrepresented litigants.

This brochure is current as at 30 June 2020.

**Court Website :** <http://courts.gov.vu> or  
<http://judiciary.gov.vu>



# **MAGISTRATES COURT**

## **CRIMINAL PROCEEDINGS GUIDE**

### **What is a crime?**

A crime is when you break the law and you can be punished by the court.

#### **a. What is the power of the Magistrate's Court?**

The Magistrate's Court has the power to deal with criminal cases where you can go to prison for 2 years or less.

#### **b. Examples of crimes**

- Stealing or theft: Taking something from another person without their permission, with the intention of not returning it.
- Physical assault: To punch, slap or kick someone with the intention of hurting them.
- Emotional assault: To hurt somebody using abusive language.
- Rape: to force someone to have sex.

### **What is a charge?**

A charge is a document that states the crime you are accused of committing.

### **Do I need a lawyer?**

When you receive the charge document you should find a lawyer to help you.

### **How do I come to Court?**

You can be brought to court on a Summons or an Arrest.

#### 1. Summons/Notice

This Notice tells you the day and time to come to court.

#### 2. Warrant of arrest

The police can arrest you and bring you



to court.

### **What is "to remand"?**

To remand is the decision of the court to put you in prison while your case is before the court.

### **What is bail?**

To grant bail is the decision of the court to release you from prison while your case is before the court.

### **How does a case start?**

On the date and time of hearing of your case, the court will ask you whether you plead guilty or not guilty.

#### **a) What will happen if you plead guilty?**

If you plead guilty at the beginning of your case or during the hearing of your case the court will give you a punishment.

#### **b) What happens if you plead not guilty?**

If you plead not guilty, the court will set a date and time to hear your case.

#### **What happens at the hearing of your case?**

- The prosecutor will bring witnesses who will give their side of the story against you in order to prove to the Magistrate that you should be found guilty. You can also ask the witnesses questions.
- The Magistrate will allow you to present your witnesses to help you prove you are not guilty. The Prosecutor can also ask your witnesses questions.
- If the prosecutor does not prove that you are guilty the court will say that you are free to go immediately.
- If the Prosecutor proves you are guilty then the court will punish you.

#### **What type of punishment can the court give?**

- Fine: The court will make you pay money to the state instead of going to prison.
- Imprisonment: The Court can send you to prison.
- Non-Custodial punishment: The court will not send you to prison but it will give you strict rules to follow.
- Community sentence: The Court can order you to do community work.
- Compensation: The court can order you