

your case. You should address him/her – your honour.

- The Clerk:

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

- The Public Prosecutor :

The Prosecutor represents the police who have charged you for the offence committed.

- 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 either in support for the Prosecutor or 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 Court of Appeal 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>



SUPREME COURT CRIMINAL PROCEEDINGS GUIDE

What is a crime?

A crime is when you break the law and can be punished by the court if proven by public prosecutor that the offence was committed.

a. What is the power of the Supreme Court?

The Supreme Court deals with very serious crimes where you can go to prison for more than 2 years or even life..

b. Some examples of serious crimes

- Rape: to force someone to have sex.
- Murder: an act causing death
- Arson: causing a fire to burn property

What is a charge?

A charge is a document by Public Prosecutor 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.

Where can I get a lawyer if I do not have one?

The Public Solicitor is the rightful person to assist you in a criminal matter before the Supreme 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 further 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 Judge 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 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 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?

- **A Judge:**

The Judge is the person who will decide