

**IN THE HIGH COURT OF KIRIBATI )  
CRIMINAL JURISDICTION )  
HELD AT BETIO )  
REPUBLIC OF KIRIBATI )**

**HIGH COURT CRIMINAL CASE No. 7 OF 2006**

THE REPUBLIC  
V  
TAKARIA UBWAITOI  
KAITANGARE TEANU  
ATONIMARAWA KANGOOA  
TEUEA NABETARI

FOR THE REPUBLIC: MS OLGA GUILLEN  
FOR THE 1<sup>ST</sup> ACCUSED: MR KAROTU TIBA  
FOR THE 2<sup>ND</sup> 3<sup>RD</sup> AND 4<sup>TH</sup> ACCUSED: MR AOMORO AMTEN

DATES OF HEARING: 22 & 23 MAY 2006

### SENTENCE

Takaria Ubwaitoi and Kaitangare Teanu: you have both been convicted of taking part in a riot and causing damage, willfully and unlawfully destroying property and going armed in public. You Takaria alone have been convicted of causing grievous harm.

What happened is set out in my reasons for convicting you. Mr Tiba in making submissions conceded that you Takaria were so angry when you came home and your wife told you of what had happened in the morning that you gathered supporters and went over to have it out with Kobaia and his wife. As a result one man Rereia died, Kobaia was seriously injured and property was damaged.

I accept that you Kaitangare, living in the same house as Takaria joined in because you felt you should support Takaria. Your responsibility and culpability is less than Takaria's.

Takaria: you are 35, married with five children of your own and two more adopted. You are a lecturer at TTI and now will lose your job. Since this

happened you have been living at Teraiku and have been prominent in the Catholic community there. You have been paying the fees of two daughters in school at Taborio. Mr. Tiba has emphasized the suffering to your family of your being imprisoned. That is very often a sad effect of imprisonment but the imprisonment cannot be avoided for that reason.

In your favour is that you were angered and provoked by hearing of what had gone on in the morning. Also in your favour is that you have no previous convictions. These things mean a lesser penalty than otherwise.

Kaitangare: you are 38, married with four children and are now living at Eita. You are the sole breadwinner for the family.

You do have one previous conviction. It was nearly 20 years ago on your home island, TabNorth, when you were convicted of unlawful assembly and bound over to keep the peace. It was so long ago I ignore the conviction.

In your favour is that you were a follower in all this, not the leader. You felt under an obligation to support Takaria.

Count 1: taking part in a riot. The maximum penalty for this is seven years' imprisonment. Technically you were both guilty of it because there were at least three of you - both of you and Rereia as well - taking part. I notice in England there must now be at least 12 people to make it a riot. The offence you committed is not much more than a technical one. On count 1 you Takaria will be imprisoned for six months and you Kaitangare for three months.

Count 2: willfully and unlawfully destroying property: the maximum penalty is two years' imprisonment. Takaria you will be imprisoned for nine months you, Kaitangare for four months.

Count 3: going armed in public: the maximum penalty is two years' imprisonment. Takaria, you will be imprisoned for nine months and you, Kaitangare for four months.

Count 4: causing grievous harm: the maximum penalty is life imprisonment. Takaria you will be imprisoned for two years.

As all offences were part of the same incident, the terms will be served concurrently. That means, Takaria that you will serve two years' imprisonment in all. The term will run from 23 May when you went into custody.

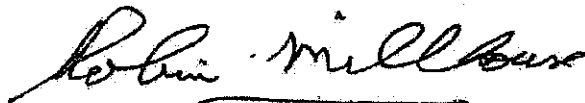
Kaitangare the total term of imprisonment for you is four months. Although the prosecutor opposed suspension I will suspend your sentence because I accept that you felt you had an obligation to take part.

You will not have to serve this four months in gaol if you will promise to be of good behaviour for the next two years.

If you do not commit any other offence in the next two years then you will not have to serve this four months in gaol. If you do commit any other offence then you will be punished for it and will also be liable to serve this four months as well.

Do you, Kaitangare, understand? Yes.  
Do you promise? Yes.

Dated the 2<sup>nd</sup> day of June 2006



**THE HON ROBIN MILLHOUSE QC**  
**Chief Justice**