

IN THE HIGH COURT OF KIRIBATI) HIGH COURT CRIMINAL CASE No. 49 OF 2006
CRIMINAL JURISDICTION)
HELD AT BETIO)
REPUBLIC OF KIRIBATI)

THE REPUBLIC
V
BUREUA TEANGABURE
KANGOA ATONIMARAWA
TAUKARO ABERE
ATONIMARAWA KANGOOA
TEWAEA KANGOOA
KAKOROA RAIRAKI
TIRIAN ROBUTI
ARIREI KANGOOA
ATINTA TETABEA

FOR THE REPUBLIC: MS PAULINE BEIATAU
FOR THE ACCUSED: MS JOELLE GROVER

DATE OF HEARING: 7 & 8 MARCH 2007

SENTENCE

Bureua Teangabure, Kangoa Atonimarawa, Taukaro Abere, Atonimarawa Kangoa, Tewaea Kangoa, Kakorua Rairaki, Tirian Robuti, Arirei Kangoa and Atinta Tetabea: you have all been found guilty of taking part in a riot, wilfully and unlawfully destroying property and going armed in public. You, Bureua have been found guilty also of causing bodily harm.

The facts are in my reasons for convicting you. Ms Grover has told me that you are all members of the same family group and live in two houses close together at Eita. You, Bureua and you Kangoa are related to all the others either as father, uncle or husband.

The incident occurred because of a long quarrel between your family and the victim family over money and land. The missionary has now been to offer an apology on behalf of you all. Ms Grover said it has been accepted and she noticed that during the trial outside the court room you were friendly towards each other. She also told me you, Kangoa have helped Ioram organize his father's funeral. That is all good but does not affect the seriousness of what you did. The community cannot allow fighting between its members. People must be deterred from acting as you did by seeing that they will be severely punished if they do.

Taking part in a riot and causing damage has a penalty of up to seven years' imprisonment.

Wilfully and unlawfully destroying property has a penalty of up to two years' imprisonment.

Going armed in public has a penalty of a fine of \$200 and up to two years' imprisonment.

Causing bodily harm has a penalty of up to five years' imprisonment.

You all committed these offences as part of one course of conduct and the penalties on each of you will be served concurrently.

Bureua Teangabure: you are 39 years old and were the leader in all this and that affects the punishment you receive. Your home island is TabNorth. You already have a long list of previous convictions going back to 1990; you have been imprisoned 11 times: the longest term being 3½ years for attempted rape in 2000.

For taking part in a riot, you will be imprisoned for four years.

For destroying property you will be imprisoned for six months.

For going armed in public you will be imprisoned for one year.

For causing bodily harm you will be imprisoned for two years.

All this means you are sentenced to a total of four years in prison.

Kangoa Atonimarawa: you are the oldest of the group. You are 46. You have eight children. Although you do not seem, from the evidence, to have taken so leading a part as Bureua I expect you influenced the others to take part in all this. You have been employed as a watchman and have been the sole provider for a large family. You are an active member of the Church of God.

You have one previous conviction, in 1987. I ignore it.

Ms Grover asked that I suspend any terms of imprisonment. I do not feel able to do that. You are a mature man and the head of a family. You should have known better than to take the law into your own hands like this and to influence others to do the same.

For taking part in a riot, you will be imprisoned for two years.
For destroying property you will be imprisoned for six months.
For going armed in public you will be imprisoned for one year.

All this means you are sentenced to a total of two years in prison.

Taukaro Abere, Atonimarawa Kangooa and Tewaea Kangooa you are all of a younger generation than Bureua and Kangooa. I accept Ms Grover's submission that you took part because you were influenced by your elders and felt you should do so. So far as I know from the evidence you all took the same part and so should be treated in the same way.

For taking part in a riot you each will be imprisoned for six months.
For destroying property you each will be imprisoned for six months.
For going armed in public you each will be imprisoned for three months.

All this means that each of you is sentenced to a total of six months in prison.

Kakoroa Rairaki: you are the youngest aged 17 and in Form III at JSS. I impose on you the same sentences as on Taukaro, Atonimarawa and Tewaea - a total of six months' imprisonment. However, because you are the youngest and still at school the sentences will be suspended if you will promise not to commit any other offence in the next 12 months.

Tirian Robuti, Arirei Kangooa and Atinta Tetabea you are each married to one of the men who took part. I accept Ms Grover's submission that you merely went along with the others because you were told to. I shall treat you all in the same way. You Tirian have three convictions for drunkenness in 1990 and 1991: I ignore them.

For taking part in a riot, you each will be imprisoned for three months.
For destroying property, you each will be imprisoned for two months.
For going armed in public you each will be imprisoned for one month.

These sentences will be suspended if each of you will promise not to commit any other offence in the next 12 months.

Kakoroa Rairaki, Tirian Robuti, Arirei Kangooa and Atinta Tetabea. Your sentences of imprisonment are to be suspended if you will promise to

behave in the next 12 months, not to commit any other offences in that time.

Do you, Kakoroo, promise to behave in the next 12 months? Yes.

~~Do you, Tirian, promise to behave in the next 12 months? Yes.~~

Do you, Arirei, promise to behave in the next 12 months? Yes.

Do you, Atinta, promise to behave in the next 12 months? Yes.

If you do not commit any other offence in the next 12 months you will not have to serve these terms of imprisonment but if you do commit another offence in that time then you will be liable to be punished for it and also to have to serve these terms of imprisonment as well.

Do you understand?

Kakoroo?	Yes.
Tirian?	Yes.
Arirei?	Yes.
Atinta?	Yes.

Dated the 15th day of March 2007

Robin Millhouse

THE HON ROBIN MILLHOUSE QC
Chief Justice