

**IN THE HIGH COURT OF THE COOK ISLANDS**  
**HELD AT RAROTONGA**  
**(CRIMINAL DIVISION)**

**CR NO: 35/08**

**POLICE**

**V**

**VAREMA JOHN RUAHE**

**Defendant**

Counsel: Ms M Henry for Police  
Mr George for the Defendant

Date: 10 July 2009

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**SENTENCE OF GRICE J**

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Varema John Ruahe is charged together with Henry Raea with intentionally and in a manner likely to endanger the safety of a person, broke glass bottles on the Aitutaki runway. This is a maximum penalty of five years. I have the written consent of the defendant and the Crown accepts that as well to Sentence in Absentia.

The offence occurred after the defendant had been drinking. Mr Ruahe opposed the Air Rarotonga flights making Sunday flights into Aitutaki. He and Mr Raea smashed the beer bottles on the runway at night. It was intended as a protest action because of his Christian faith. The glass was found and removed by airport security before a plane flew in. When questioned by the Police the defendant admitted the offending and pleaded guilty. This type of behaviour is viewed relatively seriously because while it is at the lower end of the scale,

safe travel is important. The Crown points out the importance of air travel for tourism. Aitutaki is particularly dependent on air travel.

The defendant is presently unemployed but has a defacto partner and child to support. He is aged 26 and this is his first offence. It seems he was older than the other defendant and led the way. The Probation Report indicates the offending is out of character and it reports that he is not violent, he does not get into trouble. He is always trying hard to support his family and assists in the family shop but is struggling to get by financially. He is not allowed to fly on Air Rarotonga I see and had to get his mother to come to the birth of his child in Rarotonga.

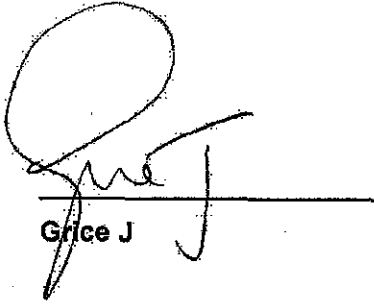
The defendant has brought shame on the family, the family are very disappointed, I note, with his actions. The report indicates that alcohol was a factor and that might be a general problem for the defendant. But he told the Probation Officer he was remorseful and it was a protest and he wanted to get the attention of the Government. He realized only later that it was a stupid mistake and he recognizes the trouble he has brought on his family. He says he has learnt from his mistakes and will not get involved in trouble again.

I have listened to the submissions of Mr George. Jeopardizing safety of the aircraft is a serious matter. It is clear that circumstances surrounding this offence occurred through a misplaced protest fuelled by alcohol. There are a number of mitigating factors including it is a first offence, the defendant has been cooperative and remorseful, he is responsible for a family and there was a plea of guilty. In addition he has suffered the shame this has brought to him.

The Crown, defence counsel and the Probation Service are at one in recommending probation with conditions as an appropriate sentence in the circumstances.

I am also of that view and so the defendant is sentenced to a period of 12 months probation to be served on the island of Aitutaki or as otherwise directed by the Probation Service, the first nine months to be served on community service with these following special conditions:

To abstain from the consumption of alcohol and or the purchase of alcohol;  
Not to enter any licensed premises;  
To attend training or workshop programmes as directed by the Probation Service.



Grace J