

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

High Court Criminal Case 13 of 2000

**THE REPUBLIC
vs
TIBAU TAAKEA**

FOR THE REPUBLIC: MS PAULINE BEIATAU
FOR THE ACCUSED: MR NEIL ALLEN

DATE OF HEARING: 18 JUNE 2001

SENTENCE

Tibau Taakea: you have pleaded guilty to embezzling \$12,124.20 from your employer, Air Kiribati. You did this when you were employed as its agent on Butaritari between December 1996 and June 1997. You did not send either cash or returns to South Tarawa. Air Kiribati made enquiries and what you were doing was discovered. You did not try to hide anything and cooperated with Air Kiribati and later with the police to whom you gave 4 caution statements making admissions. You used the money for your family and to pay school fees.

Mr Allen told me that you did this because you were annoyed that the security deposit of \$1,500 which you had accumulated with Air Tungaru, the predecessor of Air Kiribati, for whom you had worked for many years, was not to be repaid. You decided to pay it to yourself out of moneys you were receiving on behalf of your new employer. You did not stop at \$1,500 but went on taking money.

You are 50 years old, married with 3 children the eldest of whom is a seaman. Your mother, aged 76, lives with you and you have been supporting her. Fortunately you have a sister

who is not married, on Butaritari who will be able to take over that responsibility.

Mr Allen has assured me that you intend to repay the money. You think you have repaid \$500 but Air Kiribati says it is only \$150. Depending on getting paid work, you offer \$50 per month. Realistically it is impossible that you will ever be able to repay more than a small fraction of the money, if any of it.

When working for Air Kiribati you were earning \$50-60 per fortnight. Since your dismissal as a result of your stealing, you have had some work as a mechanic earning \$20-30 per fortnight.

What you did was a breach of trust: the amount you took was a big one. You must go to prison. In fixing the term I remember that this is your first conviction, that you immediately admitted what you had been doing once it was discovered, that you have pleaded guilty and that you have been waiting 4 years to come before the court.

You will go to gaol for 15 months, the term to run from last Monday 18 June, when you went into custody.

Dated the 20th day of June 2001

Robin Millhouse

THE HON ROBIN MILLHOUSE QC
CHIEF JUSTICE